



CODE OF PRACTICE AND RULES OF CONDUCT

FOR

BOARD MEMBERS OF THE CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

Lead Director: Chief Executive

Adopted by the Board by resolution dated 29 June 2007 and Approved by DCSF on
6 May 2009

INDEX

Paragraphs	Title	Page
1	Introduction	3
2	Public Service Values	3
3	Relationship with the Sponsor Department	4
4	The Role of the Chair	4
7	Corporate Responsibilities of Board Members	5
8	Strategic Planning and Control	5
9	Delegation	5
11	Responsibilities of Individual Board Members	6
13	Handling Conflicts of Interest	6-9
29	Personal Liability of Board Members	9
32	Openness and Responsiveness	9-10
36	Accountability for Public Funds	10
38	Annual Reports and Accounts	10
41	The Role of the Chief Executive	11
44	Audit Committee	11
45	The Board as an Employer	11-12
49	Canvassing of, and Recommendations by, the Chair and Members in Relation to Appointments	12-13
Appendix 1	The Nine Principles of Public Service Delivery	14
Appendix 2	Roles and Responsibilities Grid	15-20
Appendix 3	The Seven Principles of Public Life	21
Appendix 4	Model registers for recording direct and indirect pecuniary and non pecuniary interests and the offer and receipt of gifts and hospitality	22-23
Appendix 5	Extract From The Cafcass Safeguarding Framework Outlining Board And Staff Responsibilities	24-26

Introduction

1. This document relates to paragraph 3.5.3 of the Management Statement within the Cafcass Framework Document, which states that individual Board members shall act in accordance with their wider responsibility as Members of the Board – namely:
 - to comply at all times with legislation and rules relating to the use of public funds and to conflicts of interest;
 - not to misuse information gained in the course of their public service for personal gain or for political profit, nor seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations;
 - to comply with the Board Members' Code of Practice
 - to comply with the Board's rules on the acceptance of gifts and hospitality, and of business appointments;
 - to act in good faith and in the best interests of Cafcass.

Public service values

2. The Board of Cafcass must at all times follow this code and specifically:
 - observe the highest standards of propriety involving **impartiality, integrity and objectivity** in relation to the use of public funds and the management of Cafcass;
 - maximise **value for money** through ensuring that services are delivered in the most economical, efficient and effective way within available resources, and with independent validation of performance achieved wherever practicable;
 - be **accountable** to the Secretary of State, the users of its services, the public more generally and staff for the activities of Cafcass and for the use of public funds in delivering agreed key objectives and performance targets; and
 - in accordance with Government policy on **openness and responsiveness**, comply fully with the nine principles of public service delivery (see Appendix 1).

Relationship with the Sponsor Department

3. The Secretary of State is answerable to Parliament for the policies and performance of Cafcass, including use of resources and the policy framework within which it operates. The respective roles of the sponsor department and Cafcass are set out in the Framework Document and in the roles and responsibilities grid at Appendix 2.

The Role of the Chair

4. The Chair has particular responsibility as defined in section 3.4 of the Framework Document Management Statement for providing effective strategic leadership on matters such as:
 - formulating the Board's strategy;
 - leading the Board in establishing the overall strategic direction of Cafcass to achieve targets agreed by the Minister and to encourage corporate working and cohesion, for example relating to the use of public funds;
 - ensuring that the Board, in reaching decisions, takes proper account of guidance provided by the Minister or department
 - promoting the efficient and effective use of staff and other resources;
 - encouraging high standards of propriety;
 - representing the views of the Board to the general public.
5. Communications between the Board and the Minister and other ministers in the sponsoring department will normally be through the Chair except where the Board has agreed that an individual member should act on its behalf. On day to day matters the main point of contact with the sponsor department and ministers will be the Chief Executive or another member of the executive staff authorised to act on the Chief Executive's behalf.
6. The Chair should ensure that each member of the Board has their own copy of:
 - this "**Code of Practice and Rules of Conduct**",
 - the founding **legislation**,
 - the "**Framework Document**",
 - the latest "**Corporate Plan**",
 - the latest "**Annual Report and Accounts**",
 - the Treasury's memorandum "**The Responsibilities of an NDPB Accounting Officer**",
 - the Treasury's handbook "**Regularity and Propriety**"and any other core information relevant to Cafcass that exists at any given time.

Corporate Responsibilities of Board Members

7. Members of the Board have a corporate responsibility for ensuring that Cafcass complies with any statutory or administrative requirements for the use of public funds and the specific requirements set out in relation to Board members at section 3.5 of the Framework Document Management Statement and the specific requirements of this code. Other important responsibilities of Board members are to:
 - comply at all times with the rules relating to the use of public funds and to conflicts of interest;
 - not misuse information gained in the course of their public service for personal gain or for political profit, nor seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations;
 - comply with the Board Members Code of Practice
 - comply with the Board's rules on the acceptance of gifts and hospitality, and of business appointments;
 - act in good faith and in the best interests of Cafcass.
 - to safeguard the welfare and represent the interests of each child or young person referred to Cafcass (Appendix 5 contains an extract from the Cafcass Safeguarding Framework outlines Board and Staff responsibilities)

Strategic Planning and Control

8. One of the main tasks of the board will be oversight of the production of a Business Plan, covering an agreed period of time. The process of preparing such a document provides an opportunity for agreeing with the Minister or officials on his behalf, the policy and resources framework within which Cafcass will discharge its duties; and for determining its key strategic objectives and targets. Such targets will normally cover areas such as Cafcass's financial performance; the efficiency and effectiveness of its operations; and the quality of the services it provides.

Delegation

9. Board members serve on a part-time basis. To the extent permitted by the originating legislation and other provisions under which Cafcass was established, responsibility for day-to-day management matters will be delegated to staff so far as is practicable, with a clearly understood framework of strategic control. The Board will put in place internal guidance **“Scheme of Reservation and Delegation of Powers”** covering those matters delegated to staff and those reserved for decision by the Board.
10. The Board may decide to delegate responsibility for specified matters, where it has the power to do so, to individual members or committees of the Board. Decisions taken by individual members or committees of the Board should be

recorded in written minutes available to the Board as a whole for formal agreement where required.

Responsibilities of individual Board Members

11. Individual members of the Board should be aware of their wider responsibilities. Like others who serve the public they should follow the ***Seven Principles of Public Life*** set out by the Committee on Standards in Public Life, the principles are set out at Appendix 3. Board members must specifically:
 - comply with this Code, and ensure they understand their duties, rights and responsibilities, and that they are familiar with the function and role of Cafcass and any relevant statements of Government policy. Board members should expect to attend relevant training or induction courses;
 - engage fully in collective consideration of issues, taking account of the full range of relevant factors and act in good faith and in the best interests of Cafcass;
 - not misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations; and declare publicly any private interests which may be perceived to conflict with their public duties;
 - use their discretion and measured judgment if faced with a serious issue of principle or conscience, raising this in a way that supports and does not damage Cafcass;
 - ensure that they comply with the Board's rules on the offer and acceptance of gifts and hospitality by notifying the Governance Manager in writing, within 28 days of receipt of receiving any gift or hospitality, of the existence, nature and value of any such gift or hospitality;
 - not hold any paid or high profile unpaid posts in a political party, and not engage in specific political activities on matters directly affecting the work of Cafcass. When engaging in other political activities, board members should be conscious of their public role and exercise proper discretion. These restrictions do not apply to MPs, to local councillors, or to Peers in relation to their conduct in the House of Lords.

12. Individual board members can be removed from office by the Secretary of State under regulation 10 of "***The Children and Family Courts Advisory and Support Service (Membership, Committee and Procedure) Regulations 2005***", if they have been absent from meetings for longer than four consecutive months without permission, if it is not in the interests or conducive to the good management of Cafcass that the member continues to hold office, or if they are unable or unfit to discharge their functions as a member of the Board.

Handling Conflicts of Interests

13. The Chair and other Board members should declare any “relevant and material” personal or business interests, which may conflict with their responsibilities as Board members. Such conflicts should be identified at an early stage so that appropriate action can be taken to resolve them.
14. Interests that should be regarded as "relevant and material" are:
 - Directorships, including non-executive directorships held in private companies or PLCs (with the exception of those of dormant companies)
 - Ownership or part-ownership of private companies, businesses or consultancies likely or possibly seeking to do business with Cafcass or its sponsor Department
 - Majority or controlling share holdings in organisations likely or possibly seeking to do business with Cafcass or its sponsor Department
 - A position of authority in a charity or voluntary organisation involving children and families
 - Any connection with a voluntary or other organisation that may contract with Cafcass
 - Any professional interests in other public bodies with a link to Cafcass’ business
15. If members have any doubt about the relevance of an interest, this should be discussed with the Chair and/or Chief Executive.
16. A register of interests appropriate to Cafcass’s activities will be kept and will, as a minimum, list direct or indirect pecuniary interests that members of the public might reasonably think could influence a Board member’s judgment. Board members are also strongly encouraged to register non-pecuniary interests that relate closely to Cafcass activities, and interests of close family members and persons living in the same household as the Board member. Board members are responsible for ensuring that these details are updated as their circumstances change by notifying the Governance Manager, in writing within 28 days of any such change, of the nature of the change of interest. A copy of the Register of Members’ Interests is attached as Appendix 4.¹
17. The Register of Interests will be reviewed annually to ensure it is up to date and will be open to public inspection upon request and information about access will be included in the Cafcass annual report and on the Cafcass website.

¹Indirect pecuniary interests arise from connections with bodies that have a direct pecuniary interest or from being a business partner of, or being employed by, a person with such an interest. Non – pecuniary interests include those arising from membership of clubs and / or other organisations. Close family members include personal partners, parents, children (adult and minor), brothers, sisters and the personal partners of any of these.)

18. Members' directorships of companies likely or possibly seeking to do business with Cafcass or its sponsor department should be published in the Cafcass Annual Report. The information should be kept up to date for inclusion in succeeding annual reports.
19. Board members should not participate in the discussion or determination of matters in which they have a direct pecuniary interest
20. When an interest is not of a direct pecuniary kind, Board members should consider whether participation in the discussion or determination of a matter would suggest a real danger of bias. This should be interpreted in the sense that members might either unwittingly or otherwise unfairly regard with favour or disfavour, the case of a party to the matter under consideration. In considering whether a real danger of bias exists in relation to a particular decision, members should assess whether they, a close family member, a person living in the same household as the Board member, or a firm, business or organisation with which the Board member is connected are likely to be affected more than the generality of those affected by the decision in question.
21. For the avoidance of doubt, this paragraph does not preclude the Board from deciding to honour the provisions of paragraph 27 below and any remuneration, compensation or allowances payable to the Chair or Board members by virtue of paragraph 3 of Schedule 2 to the Criminal Justice and Court Services Act 2000 shall not be treated as a pecuniary interest for the purpose of this Code.
22. Whether or not Board members are able in the light of the considerations above to participate in the discussion or determination of a matter, they should declare as soon practicable after a meeting begins if they have an interest, pecuniary or other, in a matter being considered. They should also disclose any interests in it of which they are aware on the part of close family members and persons living in the same households as them. In addition Board members should consider whether they need to disclose relevant interests of other persons or organisations, which members of the public might reasonably think, could influence the Board member's judgment.
23. During the course of a Board meeting, if a conflict of interest is established, the Chair or the Board member concerned shall declare his/her interest; and where in accordance with the above members do not participate in the discussion or determination of a matter, they should normally withdraw from the part of the meeting when the matter is discussed even if it is held in public. This is because the continued presence of someone who has declared an interest might be thought likely to influence the judgment of the other members present. The declaration of interest shall be recorded in the Minutes of the meeting.
24. In the case of married persons or persons living together as partners, the interest of a member's spouse or partner shall, if known, be deemed to be the interest of the member and should be declared.
25. The Board should obtain legal advice on the effect of any specific statutory provisions applying to Cafcass. In cases where members are authorised by law to represent a group likely to be affected by Cafcass' decisions, the relevant statutory framework may permit Board members to be involved, notwithstanding

any direct pecuniary interest that they may have in the decision. However specific statutory provisions may also impose stricter restrictions in respect of non-pecuniary interests than those set out above.

26. Board members must facilitate compliance with generally accepted accounting practice and specifically Financial Reporting Standard 8 (FRS8) on "Related Party Relationships and Transactions" for material transactions with related parties to be disclosed in financial statements. "Related Parties" in FRS8 include (in addition to business contacts) close members of the family of an individual, who are defined for the purposes of the standard as those family members, or members of the same household, who may be expected to influence, or be influenced by, that person in their dealings with Cafcass.
27. Cafcass will adopt safeguards to prevent conflicts of interests arising from Board members accepting outside appointments during or within 6 months of their tenure as a Board member, taking into account relevant government guidance.
28. **All of the provisions set out in paragraphs 13-26 above will apply equally, where relevant, to members of the Cafcass Corporate Management Team.**

Personal Liability of Board Members

29. Although any legal proceedings initiated by a third party are likely to be brought against Cafcass, in exceptional cases proceedings (civil, or in certain cases, criminal) may be brought against the Chair or other individual Board members. For example, a Board member may be personally liable if he or she makes a fraudulent or negligent statement, which results in a loss to a third party. Board members who misuse information gained by virtue of their position may be liable for breach of confidence under common law or may commit a criminal offence under insider dealing legislation.
30. However, the Government has indicated that individual board members who have acted honestly, reasonably, in good faith and without negligence will not have to meet out of their own personal resources any personal civil liability which is incurred in execution or purported execution of their board functions save where that individual has acted recklessly.
31. Subject to its specific statutory powers, Cafcass will honour the provisions of paragraph 28 above. Board members who need further advice should seek initial legal advice through the Chair and/or Chief Executive, and it may be that independent legal advice is needed.

Openness and Responsiveness

32. Cafcass should conduct all its dealings with the public in an open and responsible way and ensure full compliance with the Freedom of Information Act. The Business Plan and Annual Report and Accounts will be made publicly available and where practical and appropriate Board meetings will be held in public, summary reports of meetings will be posted on the Cafcass website and consultation with users will be conducted through a variety of means.

33. Cafcass will aim to adhere to the nine principles of public service delivery (see Appendix 1).
34. Cafcass will ensure that it can demonstrate publicly that resources are being used to good effect, with propriety, and without grounds for criticism that public funds are being used for private, partisan or party political purposes. Board members will act consistently with the nature of Cafcass' business and respect the need for confidentiality on commercial or other grounds, always subject to the rights of parliament, the Secretary of State and the Comptroller and Auditor General to obtain information.
35. The Board will ensure that Cafcass has a well-publicised and easy to use complaints procedure, which covers both maladministration and failure to provide access to information.

Accountability for Public Funds

36. Board members have a duty to ensure the safeguarding of public funds - which for this purpose should be taken to include all forms of receipts from fees, charges and other sources - and the proper custody of assets that have been publicly funded. They must take appropriate measures to ensure that Cafcass at all times conducts its operations as economically, efficiently and effectively as possible, with full regard to the relevant statutory provisions and to relevant guidance in Government Accounting. Accounting Officers are responsible to the Accounting Officer of Cafcass' sponsor department for the resources under their control.
37. Members of the Board are responsible for ensuring that Cafcass does not exceed its powers or functions, whether defined in statute or otherwise, or through any limitations on its authority to incur expenditure. They will normally be advised on these matters by the Chief Executive who will take legal advice where necessary.

Annual Report and Accounts

38. As part of its responsibilities for the stewardship of public funds, the Board must ensure that it includes a full statement on the use of such resources in its Annual Report and Accounts. Such accounts should be prepared in accordance with the Accounts Direction issued by the Minister and such other guidance as may be issued, from time to time, by his Department and the Treasury, including ***"Executive Non-Departmental Public Bodies. Annual Reports and Accounts Guidance"***.
39. Cafcass should aim to produce an Annual Report and Accounts as a single document and should give it appropriate publicity. If the Annual Report is published separately, it should normally contain at least a summary of the annual accounts and in any case give details of how to obtain the full accounts. A statement by the auditors should be included in the summary to confirm that it is consistent with the Annual accounts. It should also state whether the report on the Annual accounts was qualified and provide details if this was the case.
40. The Annual Report and Accounts should provide a full description of the Board's activities; state the extent to which key strategic objectives and agreed financial

and other performance targets have been met; list the names of the current members of the Board and senior staff; and provide details of remuneration of Board members and senior staff in accordance with Treasury guidance. The Annual Report should contain information on access to registers of interests in accordance with paragraph 17 above.

The Role of the Chief Executive

41. The Chief Executive has responsibility under the Board, as defined in sections 3.6 and 3.7 of the Framework Document, for the overall organisation, management, and staffing of Cafcass and for its procedures in financial and other matters, including conduct and discipline (see Appendix 3). This involves the promotion by leadership and example of the values embodied in the Nolan Committee's Seven Principles of Public Life (see Appendix 3) Board members should support the Chief Executive in undertaking this responsibility.
42. The Chief Executive is designated as the accounting officer for Cafcass. Accounting Officers are responsible to Parliament and the Accounting Officer of Cafcass's sponsor Department for the resources under their control. The essence of the role is a personal responsibility for the propriety and regularity of the public finances for which they are answerable; for the keeping of proper accounts; for prudent and economical administration; for the avoidance of waste and extravagance; and for the efficient and effective use of all the resources in their charge. The accounting officer has a responsibility to see that appropriate advice is tendered to the Board on all these matters. Satisfactory performance of these responsibilities is fundamental to the role of the Chief Executive. The Chief Executive will ensure that a register of Board members' financial and other interests and a gifts and hospitality register are maintained by the executive (see Appendix 4).
43. More detailed guidance on the role of an accounting officer is set out in "***The Responsibilities of a NDPB Accounting Officer***", which covers appearances before the Committee of Public Accounts of the House of Commons. All Board members should ensure that they have a copy of this document. The Treasury's handbook, "***Regularity and Propriety***", describes what these concepts mean in a financial context. Although the handbook is intended primarily for Accounting Officers, Board members should also familiarise themselves with it.

Audit Committee

44. Cafcass will ensure that an Audit Committee is established and functions as set out in regulations 25 to 28 of "***The Children and Family Courts Advisory and Support Service (Membership, Committee and Procedure) Regulations 2005***".

The Board as an Employer

45. The Board should ensure:
- that it complies with all relevant legislation and that it employs suitably qualified staff who will discharge their responsibilities in accordance with the high standards expected of staff employed by such bodies. All staff should be familiar with Cafcass' main aims and objectives;
 - that Cafcass adopts management practices which use resources in the most economical, efficient and effective manner;
 - that Cafcass' rules for the recruitment and management of staff provide for appointment and advancement on merit on the basis of equal opportunity for all applicants and staff. In filling senior staff appointments, the Board should satisfy itself that an adequate field of qualified candidates is considered, and should always consider the merits of full open competition. In recruiting permanent staff, this should normally be used;
 - that its staff and the Board's own members have appropriate access to expert advice and training opportunities in order to enable them to exercise their responsibilities effectively.
46. A Board member should always be involved in the recruitment of a member of the Cafcass Corporate Management Team. Board members will not usually be involved in the recruitment of other staff and practitioners within Cafcass although they will be informed of any structural or organisational issues arising from any such recruitment and the processes being followed to recruit to other senior positions e.g. Corporate Director level.
47. The Board should adopt a code of conduct for its staff using the model issued for executive NDPBs by Cabinet Office (OPS) in August 1996, subject to any modifications that may be necessary - and that are agreed with the sponsor Department - to take account of their own particular characteristics and circumstances. The model code covers arrangements enabling members of staff to raise concerns about propriety with a nominated official or board member of the NDPB in the first instance and subsequently, if necessary, with a nominated official in the sponsor Department. There should be safeguards to prevent conflicts of interests when staff leave.
48. The Board has a responsibility to monitor the performance of the Chief Executive and other senior staff. Where the terms and conditions of employment of the Chief Executive and other senior staff include an entitlement to be considered for performance-related pay, and where Board members assess such payments, the Board should ensure that they have access to the information and advice required to make the necessary judgments.

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

49. Canvassing of the Chair and members of the Board or members of any committee/subcommittee of the Board, directly or indirectly, for any appointment in Cafcass, will disqualify the candidate for such appointment. The contents of this paragraph of this Code will be included in application forms or otherwise brought to the attention of candidates.

50. The Chair or a member of the Board must not solicit for any person any appointment in Cafcass or recommend any person for such appointment. However, this paragraph of this Code will not preclude the Chair or a member from giving written testimonial of a candidate's ability, experience or character for submission to the Board or Executive.
51. Informal discussions outside appointment panels or committees, whether solicited or unsolicited, should be declared to the panel or committee.
52. Candidates for any staff appointment shall when making an application disclose in writing whether they are related to the Chair or any Board member or the holder of any office in Cafcass. Failure to disclose such a relationship shall disqualify a candidate and, if appointed, render him/her liable to instant dismissal.
53. The Chair, Board members and every officer of Cafcass shall disclose to the Chief Executive any relationship with a candidate of whose candidature he or she is aware. It shall be the duty of the Chief Executive to report to the Chair any such disclosure made.
54. On appointment, the Chair and members should disclose to Cafcass whether they are related to any other member or holder of any office in Cafcass.
55. Where the relationship of an officer or the Chair or another member to a member of the Board or holder of any office in Cafcass is disclosed, Standing Order 23 (Disability of the Chair and members in proceedings on account of pecuniary interest) shall apply.

The Nine Principles of Public Service Delivery

1. **Set clear standards of service** that users can expect; monitor and review performance; and publish the results, following independent validation wherever possible.
2. **Be open** and communicate clearly and effectively in plain language, to help people using public services: **and provide full information** about services, their cost and how well they perform.
3. **Consult and involve** present and potential users of public services, as well as those who work in them; and use their views to improve the service provided.
4. **Encourage access and the promotion of choice** – make services easily available to everyone who needs them, including using technology to the full, and offering choice wherever possible
5. **Treat all fairly**; respect their privacy and dignity; be helpful and courteous; and pay particular attention to those with special needs.
6. **Put things right when they go wrong**, quickly and effectively; learn from complaints; and have clear well publicised, and easy to use complaints procedure, with independent review wherever possible.
7. **Use resources effectively** to provide best value for taxpayers and users.
8. **Innovate and improve**, always look for ways to improve the services and facilities offered.
9. **Work with other providers** to ensure that services are simple to use, effective and coordinated, and deliver a better service to the user.

STATEMENT OF WORKING PRACTICE BETWEEN BOARD AND EXECUTIVE

OVERVIEW OF WORKING PRACTICE**The Board:**

- establishes the overall strategic direction of Cafcass within the policy and resources framework determined by the Secretary of State
- decides specific 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 and evaluation of outcomes.

CORE PRINCIPLES OF WORKING PRACTICE

If the Board is to be involved it should be made clear that this is because the Board needs to be:

- **Accountable** and thus content that the work done in Cafcass's name by the Executive is acceptable
- **Responsible** and thus make the decision
- **Consulted** as the Board's input / views are required and valued in developing work
- **Informed** so that the Board has clear expectations of what is being done in Cafcass's name

THE BOARD RECOGNISES THAT

The Executive Team must have:

- a clear strategic direction
- freedom to manage operational matters within the overall governance framework
- Accounting Officer responsibility

THE EXECUTIVE RECOGNISES THAT

The Board will:

- be responsible / accountable for systems and their operation
- decide strategic plans and policies
- have a right of access to information

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

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

THE ROLE OF THE BOARD IS	THE ROLE OF THE EXECUTIVE IS
In relation to Cafcass strategies and policies:	
<ul style="list-style-type: none"> ▪ To <u>provide strategic direction</u> ▪ To <u>adopt</u> strategic policies 	<ul style="list-style-type: none"> ▪ To <u>carry out and manage</u> the operations of Cafcass within the strategic direction provided by the Board ▪ To <u>adopt</u> operational policies ▪ To <u>present</u> proposals and recommendations for strategies to the Board ▪ To <u>implement, monitor, evaluate and account for performance</u> through evaluation reports

THE ROLE OF THE BOARD IS	THE ROLE OF THE EXECUTIVE IS
In relation to executive actions:	
<ul style="list-style-type: none"> ▪ To <u>appoint</u> the Chief Executive and any other appointments specified in governance documents 	<ul style="list-style-type: none"> ▪ Unless specified otherwise in the governance documents / legislation, operational actions will be the responsibility of the executive who will be <u>accountable</u> 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.

THE SEVEN PRINCIPLES OF PUBLIC LIFE**Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

Leadership

Holders of public office should promote and support these principles by leadership and example.

REGISTER FOR RECORDING BOARD AND EXECUTIVE TEAM MEMBERS' DIRECT AND INDIRECT PECUNIARY AND NON-PECUNIARY INTERESTS

For guidance see paragraphs 13-26 of "Cafcass Code of Practice and Rules of Conduct for Board Members (2007)"

Name
Position
1. Relevant personal direct and indirect pecuniary interests:
2. Relevant direct and indirect pecuniary interests of your partner / close family members:
3. Relevant personal non-pecuniary interests:
4. Relevant non-pecuniary interests of your partner:
Signature
Date
Noted in Cafcass Register of Interests by
Position
Date



REGISTER FOR RECORDING BOARD AND EXECUTIVE TEAM MEMBERS OFFERS AND RECEIPTS OF GIFTS AND HOSPITALITY

For guidance see paragraphs 13-26 of “Cafcass Code of Practice and Rules of Conduct for Board Members (2007)” and the Finance Manual

Name
Position
Description of gift or nature of hospitality offered and / or accepted (please specify whether offer or acceptance or both):
Received from (name, occupation and position held):
Accepted for self or others (please specify):
Date received
Estimated value
Manner in which gift disposed of (if applicable):
Signature
Date
Noted in Cafcass Register of Gifts and Hospitality by:
Position
Date

EXTRACT FROM THE CAFCASS SAFEGUARDING FRAMEWORK OUTLINING BOARD AND STAFF RESPONSIBILITIES**Safeguarding - Allegations or concerns that may indicate unsuitability to work with children**

1. In accordance with the recommendation of Working Together to Safeguard Children (2006), Cafcass has identified the Corporate Director with safeguarding responsibility as the Senior Manager with overall responsibility for situations that arise as defined here.
2. All such matters will be investigated fairly in accordance with the Cafcass disciplinary procedure and with due regard for staff care.
3. Concerns or suspicions can arise about someone who is either contracted for services by Cafcass or employed at any level of the organisation, including those serving on the Board. Both categories of worker are referred to here as Cafcass 'staff'. These safeguarding concerns may relate to:
 - ***the possible abuse of a child by a person, with professional access to that child;***
 - ***the possible abuse of a child by a member of Cafcass staff, in situations outside the arena of work;***
 - ***the possible physical abuse of another adult by a member of Cafcass staff;***
 - ***the involvement of a member of Cafcass staff in a child welfare (protection) inquiry by the Local Authority, where there is no allegation that the member of staff instigated harm, but where the Local Authority will be assessing issues around the ability to protect the child. This will include situations where there has been the possible exposure of a child to harm (as defined by section 120 Adoption & Children Act 2002) – for example, through witnessing domestic violence; and***
 - ***any other behaviour that indicates that a staff member may be unsuitable to work with children.***
4. In all these situations, the concerns or suspicions must immediately be discussed with the member of staff's line manager, or another manager in their absence. For a Board member the discussion will be with the Chair and Chief Executive.
5. These kinds of allegations are received by Cafcass, often as part of a complaint. Care must be taken to ensure that safeguarding concerns, about children or adults, are responded to appropriately. This should **not** be within the complaints process. When there is any doubt, then there should be immediate consultation with the Operational Director, to decide the way to proceed.

6. The **Operational Director** must be informed immediately of all referrals that implicate Cafcass staff or contractors in the abuse of a child, and must in turn notify the Corporate Director with overall safeguarding responsibility.
7. The Local Authority CSC should be notified of **all** allegations in accordance with the Working Together and LSCB procedures for allegations against people working with children. This notification should be made to the Local Authority Designated Officer.
8. The recording requirements for a referral involving a staff member or professional are the same as for all other referrals.
9. The Local Authority Designated Officer will consider the information and reach a decision about what further action may be necessary (see Working Together to Safeguard Children (2006), p.239 <http://www.everychildmatters.gov.uk/resources-and-practice/IG00060/>).
9. . If there is cause to suspect a child is suffering, or is likely to suffer significant harm, a strategy discussion will be convened by the Local Authority or the police to consider how the allegation will be responded to. Cafcass will contribute as required to the strategy discussion.

Link between child protection enquiries and disciplinary proceedings

10. Following Working Together to Safeguard Children (2006), <http://www.everychildmatters.gov.uk/resources-and-practice/IG00060/> responses to allegations of abuse against professionals will potentially have three related, but independent, strands:
 - child protection enquiries;
 - a possible police investigation into alleged criminal acts; and
 - disciplinary procedures
11. It will be important that each aspect is thoroughly assessed and a conclusion reached, and that the necessary processes are managed to ensure no element is compromised. The LSCB procedure for strategy discussions will be the vehicle for planning processes to ensure the integrity of each strand. It will be for Cafcass to reach the decision as to whether a disciplinary investigation is required, taking account of any recommendation made of the strategy meeting. If so, this will be either under the Disciplinary Procedure (for employed staff) or the contract review process (for self-employed contractors).
12. All further work-related decisions – for example relating to suspension, or decisions about the future work base, will be dealt with under the Performance and Conduct policy (employed staff) or the procedure for contract review (self-employed contractors).
13. Where staff are registered with the General Social Care Council (GSCC), the GSCC and the regulatory child protection bodies must be notified about any allegation where investigations are ongoing, and again when they are concluded.

SAFEGUARDING WITH STAFF: OTHER RELATED ISSUES

Recruitment and Selection

14. Cafcass's Human Resources policies were revised in 2005 and now comply with best practice for safe recruitment and selection. In addition, Cafcass is committed to increasing the diversity of our workforce and supporting the staff we have recruited.
15. All practitioner staff are subject to re-checks with the Criminal Records Bureau on a three-yearly basis.

Knowledge, Learning and Development

16. Cafcass training is integrated with the competence based Performance Management Framework. Within this Framework, safeguarding is listed as a core competence for practitioners and managers.
17. Safeguarding features prominently in all Cafcass' internal training. As an organisation at local level we are also committed to supporting and using multi-agency training provided through Local Safeguarding Children Boards, Domestic Violence Forums, etc.

Whistle blowing

18. Cafcass has a whistle blowing policy, which protects staff members who draw attention to concerns about a colleague's performance or conduct.

Compliance

19. This Framework should be complied with by all Cafcass staff, unless specific circumstances indicate exceptional reasons, which justify a variation. Such circumstances and any subsequent variation must be fully recorded.