



CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

Paper for the Board Meeting on 13 September 2013

REVIEW OF GOVERNANCE DOCUMENTS

KEY POINTS

A review of the governance documents is required and a number of amendments needed to reflect changes to the Cafcass management structure.

1. AIM AND PURPOSE

- 1.1. In 2007 the Board agreed that the governance arrangements for Cafcass should be reviewed annually. The purpose of this report is to enable the Board to undertake the 2013 annual review.
- 1.2. The governance documents which need to be amended this year are the Board's Standing Orders, the Scheme of Reservations and Delegations, and the role and functions of the Corporate Management Team and most of the required amendments are the result of minor restructuring and transfer of sponsoring department to the Department for Education.

2. RECOMMENDATIONS/ACTION FOR THE BOARD

- 2.1. It is recommended that the Board approve the following documents:
 - 2.1.1. the amended Standing Orders attached at **Appendix 1**
 - 2.1.2. the amended Scheme of Reservations and Delegations attached at **Appendix 2**
 - 2.1.3. the role and functions of the CMT and CMB **Appendix 3**

3. BACKGROUND

Amendments to Standing Orders

- 3.1 The Standing Orders and Scheme of Reservations and Delegations were first adopted by the Board in 2002 and were substantially updated in 2007 and in 2011 with minor amendments
- 3.2 Cafcass' Standing Orders (SOs) set out the procedure for Board meetings. Only minor amendments are required in 2013, as follows:

- 3.2.1 Deleting references to the Director of Legal Services in the following SOs, and replacing with Head of Legal Services;
- 3.2.1.1 SO 20.3 – the Head of Legal Services' duty to keep the schedule of statutory committees;
- 3.2.1.2 SO 23.8 if in doubt about the relevance of an interest, members to discuss with either the Chair, or the Chief Executive;
- 3.2.1.3 SOs 24.5, 24.6 & 24.7 – members to inform the Head of Legal Services of any gifts or hospitality, and the Head of Legal Services to keep the register of these;
- 3.2.1.4 SO 27.1 – the Head of Legal Services to keep the Cafcass common seal.

Amendments to the Scheme of Reservations and Delegations

3.3 The Scheme of Reservations and Delegations specifies those decisions which the Board reserves to itself, and those which it formally delegates to officers. It complies with paragraph 9 of the Board Code of Conduct which directs that *'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.'*

3.4 The Scheme of Reservations and Delegations is a document that needs updating more frequently than the other governance documents, to make sure that it continues to reflect current business needs and executive structure. The proposed amendments are as follows:

3.4.1 Amendments to the Scheme Of Delegation Pursuant To Standing Orders at Annex 2 of the Scheme of Reservations and Delegations:

- i. SO 12.4: giving notice specifying business to be transacted at Board meetings – to be delegated to Chair (previously delegated to Chair or Director of Legal Services);
- ii. SO 22.1: maintaining the Register of interests of Board members – to be delegated to Head of Legal Services (previously delegated to Director of Legal Services);
- iii. SO 23: receiving written notice of Board members' pecuniary interests in contracts – to be delegated to Head of Legal Services (previously delegated to Director of Legal Services);
- iv. SO 24: receiving written notice of Board members' employment, business or other relationship that conflict with the Service's

interests – to be delegated to Head of Legal Services (previously delegated to Director of Legal Services);

- v. SO 24: maintaining register of interests for declarations of interests of Board members in contracts, employments, business or other relationship, gifts and hospitality – to be delegated to Head of Legal Services (previously delegated to Director of Legal Services);
- vi. SO 25 Reference to Department of Children Schools and Families replaced by Department for Education;
- vii. SO 27: keeping seal in safe place and maintaining a register of sealing – to be delegated to Head of Legal Services (previously delegated to Director of Legal Services).

3.4.2 Amendments to the Scheme Of Delegation Pursuant To The Framework Document and Finance Manual at Annex 3 to the Scheme of Reservations and Delegations:

- i. Head of IT (previously Head of IT and Chief Information Officer) to be responsible for:
 - a) Ensuring sound practices exist to prevent contamination of data from computer viruses, and
 - b) Ensuring all software used by Cafcass is properly licensed for the intended purpose.
- ii. Adequate arrangements to archive all appropriate documents – delegated to the Head of Corporate Services (Policy) (previously delegated to Director of Policy).

3.4.3 Amendments to the General Scheme of Delegation at Annex 4 to the Scheme of Reservations and Delegations:

- i. Reference to the National Management Team be replaced with reference to the Corporate Management Board (CMB). References to Director of Human Resources replaced with Director of Human Resources and Organisational Development:
- ii. Opening formal competitive tenders of £10,000 and over – delegated to Operational Directors and Director of Finance (formerly Operational Directors and Governance Manager);
- iii. Keeping the staff Gifts and Hospitality register – delegated to Head of Legal Services (previously Director of Legal Services)
- iv. Personnel Management – (t) approval of compromise agreements – delegated to be taken by the Chief Executive in consultation with the Director of Human Resources and Organisational Development and , where necessary, the DfE (previously the DCSF);

- v. Relationship with the press for non Board matters – delegated to the Head of Service (Communications) or Chief Executive. The delegation was previously to the Interim Head of Communications or Chief Executive;
- vi. Attestation of Sealings – delegated to Head of Legal Services (previously delegated to the Director of Legal Services);
- vii. Keeping a register of sealings – delegated to the Head of Legal Services (previously delegated to the Director of Legal services);
- viii. Production of the annual report and accounts to be delegated to the Chief Executive and Head of Service (Communications) (formerly to the Chief Executive and Head of Communications).

4 CONTRIBUTION OF THE REPORT/PROPOSAL TO DELIVERY OF THE 2013/15 CAFCASS STRATEGIC PLAN

4.4 It is important in advance of the potential transfer to the MoJ that the governance documents are reviewed and updated to reflect any changes in the organisation.

5 KEY STRATEGIC ISSUES FOR THE BOARD TO CONSIDER

5.4 Strategic issues inherent in the proposed updates mostly arise from the Cafcass restructures. Those strategic issues have already been considered by the Board.

6 BENEFITS FOR CHILDREN

6.4 The proposed amendments to the governance documents are of no direct benefit to children but will enable Cafcass to continue to make effective decisions on corporate matters which will provide indirect benefits. Clear decision making is essential to ensure the effective provision of services to children.

7 FINANCIAL ANALYSIS

7.4 There are no financial implications arising from this review of Governance Documents, other than where a proposed revision relates to a financial procedure, in which case the proposed revisions are appropriate.

8 RISK ANALYSIS

8.4 Failure to keep Cafcass' governance documents updated raises a risk of the organisation's corporate decisions being challenged.

9 DIVERSITY ANALYSIS

9.4 Effective corporate governance arrangements provide transparency of decision making which is of benefit to all Cafcass service users.

10 COMMENTS FROM THE HEAD OF LEGAL SERVICES

10.1 None required

11. COMMENTS FROM THE DIRECTOR OF HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT

11.1 None required

Melanie Carew
Head of Legal Services

20 August 2013

