

# CAFCASS FRAMEWORK DOCUMENT

DATED: 13<sup>th</sup> May 2014

## Framework Document

between

**The Ministry of Justice**

as the Department

and

**Children and Family Court Advisory and Support  
Service**

as Cafcass

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## 1. Introduction

- 1.1. Cafcass is an executive Non departmental Public Body (NDPB), sponsored by the Department. This framework document has been drawn up by Cafcass in consultation with the Department and sets out the broad framework within which Cafcass will operate. The document does not convey any legal powers or responsibilities. It is signed and dated by the Department and Cafcass. Copies of the document and any subsequent amendments have been placed in the Libraries of both Houses of Parliament and made available to members of the public on the Cafcass website.

## 2. Definitions

- 2.1. In this Framework:

“the Board” means the Board of Cafcass and includes any sub-committee of that Board;

“the Department” means the Ministry of Justice;

“the Service” refers to the service provided by Cafcass

“Responsible Minister” means the Secretary of State for Justice;

“the Act” refers to the Criminal Justice and Court Services Act 2000;

and “section” and “schedule” refer to sections and schedules in the Act.

## 3. Purpose of Cafcass

- 3.1. Cafcass was created by section 11 of the Criminal Justice and Court Services Act 2000. Its principal functions under section 12 of the Act are in relation to family proceedings where the welfare of children who are subject to those proceedings is or may be in question, to:

- Safeguard and promote the welfare of such children;
- Give advice to the court;
- Make provision for such children to be represented; and
- Provide information, advice and support to such children and their families.

## 4. Cafcass’s powers and duties

- 4.1. Cafcass’s powers and duties derive from sections 12, 13, 14, 15 of the Act, and schedule 2. Its principal functions are set out at paragraph 3.1 above.
- 4.2. Section 13 enables Cafcass to make arrangements for the performance of its functions by other organisations and by individuals

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and to commission or assist the conduct of research by any person into matters concerned with the exercise of its functions.

- 4.3. Section 14 gives Cafcass the power to make arrangements with an organisation or individual under which Cafcass staff may work for that organisation or individual.
- 4.4. Section 15 allows Cafcass to authorise certain personnel to conduct litigation and exercise a right of audience, in the exercise of Cafcass functions.
- 4.5. Paragraph 9(3) of Schedule 2 requires Cafcass to provide the Secretary of State with any information relating to the performance of its functions, as s/he may require from time to time.
- 4.6. Under paragraph 12 of schedule 2, Cafcass must make a report to the Secretary of State each financial year on the performance of its functions.
- 4.7. Paragraph 13 of Schedule 2, requires Cafcass to keep proper accounts and send a yearly financial statement to the Secretary of State and to the Comptroller and Auditor General. The financial statement must comply with any directions given by the Secretary of State and contain any additional information required by the Secretary of State for the information of Parliament. Cafcass must also, in accordance with directions given by the Secretary of State, appoint an auditor and ensure that the auditor makes a report to the Secretary of State.
- 4.8. Under paragraph 15 of Schedule 2, Cafcass must make and publicise a complaints procedure.
- 4.9. Section 12(3) allows regulations to be introduced to provide for grants to be paid by Cafcass to any person for the purpose of furthering the performance of Cafcass functions.
- 4.10. Under paragraph 3(1) of Schedule 2, Cafcass may make payments to the Chair or other members of the Board. Such remuneration, fees, expenses, pension, allowances or gratuities are determined by the Secretary of State. Paragraph 3 (2) permits Cafcass to reimburse any co-opted Board members for any expenses or loss of earnings, to the extent determined by the Secretary of State.
- 4.11. Paragraph 5(1) of Schedule 2 enables Cafcass to appoint staff to perform functions of officers of the Service, and other staff. Under paragraph 5(2), Cafcass must not appoint the Chief Executive without the approval of the responsible Minister.

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4.12. Paragraph 7 of Schedule 2 allows Cafcass to arrange for the Chair or other member of the Board to discharge its functions on its behalf.

4.13. Paragraph 10 of Schedule 2 enables Cafcass, subject to directions given by the Secretary of State, to do anything which appears necessary or expedient for the purposes of, or in connection with, the exercise of its functions. In particular this includes holding land and other property, entering into contracts, investing and accepting gifts. Paragraph 10(3) prohibits Cafcass from borrowing money, whether by way of overdraft or otherwise, without the approval of the Secretary of State.

## 5. Ministerial responsibility

5.1. The responsible Minister will account for Cafcass's business in Parliament.

5.2. The responsible Minister's responsibilities include:

- appointing the Chair and members of the Board as specified in the Act;
- approving the appointment of the Chief Executive;
- determining the policy and resources framework within which Cafcass should operate; and
- paying Cafcass such sums, through grant-in-aid, grant or other funds, as deemed appropriate for meeting Cafcass's expenditure and securing Parliamentary approval.

## 6. The Principal Accounting Officer's specific accountabilities and responsibilities

6.1. The Principal Accounting Officer of the Department (PAO) has designated the Chief Executive as Cafcass's Accounting Officer (AO). The respective responsibilities of the PAO and Accounting Officers for NDPBs and other arm's length bodies are set out in Chapter 3 of Managing Public Money, which is sent separately to the Cafcass AO on appointment.

6.2. The PAO is accountable to Parliament for the issue of any grant-in-aid to Cafcass. The PAO is also responsible for advising the responsible minister:

1. on an appropriate framework of objectives and targets for Cafcass in the light of the Department's wider strategic aims;
2. on an appropriate budget for Cafcass in the light of the Department's overall public expenditure priorities; and
3. how well Cafcass is achieving its strategic objectives and whether it is delivering value for money.

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- 6.3.** The PAO is also responsible for making sure that arrangements are in place in order to:
1. monitor Cafcass's activities on a regular basis;
  2. address significant problems in Cafcass, making such interventions as are judged necessary;
  3. periodically carry out an assessment of the risks both to the Department and to Cafcass's objectives and activities;
  4. inform Cafcass of relevant government policy in a timely manner; and
  5. bring concerns about the activities of Cafcass to the full Cafcass Board, requiring explanations and assurances that appropriate action has been taken.

## **7. Responsibilities of the MoJ as sponsor**

- 7.1.** The Department operates a proportionate risk-based approach to sponsorship, using a hybrid model of policy and assurance sponsorship for medium to high impact bodies. Cafcass's policy sponsor team will be drawn from the Family Justice Division within the Department's Access to Justice Group, and will be responsible for overseeing policy development and implementation on behalf of the responsible Minister. Cafcass's assurance sponsor team will be drawn from the ALB Governance Division and will be responsible for holding Cafcass to account on behalf of the Permanent Secretary and her responsibilities as Principal Accounting Officer.
- 7.2.** These sponsor teams in the Department are the primary contacts for Cafcass. They are the main sources of advice to the responsible minister on the discharge of his or her responsibilities in respect of Cafcass. They oversee the working relationship between the Department and Cafcass and, with other teams in the Department, secure the necessary financial, management and operational information required to monitor Cafcass's performance.
- 7.3.** In particular, the sponsor teams will:
- monitor Cafcass's activities on a continuing basis, making sure that such monitoring is relevant and proportionate and that risks to both Cafcass and the Department are assessed periodically;
  - where appropriate, act as champion of Cafcass in pursuing agreed issues of concern with the Department and, where necessary, other departments;
  - provide assurance to the Department's Executive Management Committee (ExCo) that robust governance arrangements are in place;
  - address significant problems in the governance or management of Cafcass, making such interventions as are judged necessary. Where urgent issues or difficulties arise in the relationships or

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other activities between the Department and Cafcass the sponsor teams will work with relevant officials to resolve matters satisfactorily. Where the issues cannot be fully resolved, matters will be escalated to the relevant Director General in the Department;

- support the development of positive and effective working relationships between Cafcass and all parts of the Department, making sure that the sponsorship relationship is tailored and proportionate to the needs of both organisations;
- inform Cafcass of relevant Government policy in a timely manner, advising how ministerial policies in relation to Cafcass's activities can best be delivered in terms of policy and strategy implementation. In doing so the Department will work closely with Cafcass, who will determine how policy can best be delivered in terms of frontline services;
- periodically assess the risks both to the department and the arms length body's objectives and activities; and
- bring concerns about the activities of the ALB to the full ALB board, and, as appropriate to the departmental board requiring explanations and assurances that appropriate action has been taken.

7.4. The Department will make sure that Cafcass has:

1. an annual remit letter or equivalent, agreed ahead of each financial year;
2. an appropriate framework of objectives and targets in the light of wider Department strategic aims and objectives;
3. an appropriate budget in the light of the Department's overall public expenditure priorities; and
4. clear and coherent performance and relationship management arrangements.

7.5. Support will be provided to Cafcass from appropriate divisions and teams in the Department, for example sponsorship, policy, corporate governance, corporate services, security, financial and management accounting. The first point of contact with Departmental teams will generally be through the most senior lead manager within Cafcass for the specific issue under consideration. Cafcass will be provided with a contact list so that staff can readily identify the appropriate point within the Department for advice or communication, and vice versa.

7.6. The Department will commission new work coherently through the relevant Cafcass senior manager. Approaches by Departmental policy teams for Cafcass to undertake new work in year shall be made with the agreement of Cafcass, and an agreed process put in place for sign-off of new remits, including the outcomes and any financial implications.

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7.7. Cafcass will make every reasonable effort to undertake new work emerging in-year in the spirit of partnership working and delivering changing and emerging policy objectives on behalf of the responsible Minister.

7.8. The commissioning of new work shall be an auditable and recorded process. Value for money is fundamental to both the Department and its NDPBs and neither party should seek or agree to deliver new work that has not been signed off by respective responsible persons and documented by Cafcass at the Corporate Management Team level. Cafcass will arrange for the operation / process of the necessary controls and any financial commitments.

## 8. Responsibilities of the Chief Executive as Cafcass Accounting Officer

### *General*

8.1. The Chief Executive as Accounting Officer is personally responsible for:

1. safeguarding the public funds and any assets for which he or she has charge;
2. stewardship of funds administered by Cafcass on behalf of other Departments (as set out in section 14.4 – *Income from Other Sources*);
3. making sure of propriety, regularity, feasibility and value for money in the handling of those public funds; and
4. the day-to-day operations, management and leadership of Cafcass.

8.2. In addition, the Chief Executive should make sure that Cafcass as a whole is run on the basis of the standards, in terms of governance, for decision-making and financial management that are set out in Box 3.1 of Managing Public Money.

### *Responsibilities for accounting to Parliament*

8.3. The Chief Executive's accountabilities include:

1. signing the accounts and ensuring that proper records are kept relating to the accounts, and that the accounts are properly prepared and presented in accordance with any directions issued by the Secretary of State;
2. signing a Statement of Accounting Officer's responsibilities, for inclusion in the annual report and accounts;
3. preparing and signing a Governance Statement covering corporate governance, risk management and oversight of any



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- local responsibilities, for inclusion in the annual report and accounts;
4. making sure that effective procedures for handling complaints about Cafcass are established and made widely known within Cafcass and amongst those who use the services of Cafcass;
5. acting in accordance with the terms of this document, and of Managing Public Money and of other instructions and guidance issued from time to time by the Department, the Treasury and the Cabinet Office; and
6. giving evidence, normally with the PAO, when summoned before the PAC on Cafcass's stewardship of public funds.

## *Responsibilities to the Department*

8.4. The Chief Executive's particular responsibilities to the Department include:

1. establishing, in agreement with the Department, the Cafcass strategic and business plans in the light of the Department's wider strategic aims and agreed priorities;
2. informing the Department of progress in helping to achieve the Department's policy objectives and in demonstrating how resources are being used to achieve those objectives;
3. making sure that timely forecasts and monitoring information on performance and finance are provided to the Department; that the Department is notified promptly if over or under spends are likely and that corrective action is taken; and that any significant problems whether financial or otherwise, and whether detected by internal audit or by other means, are notified to the Department in a timely fashion;
4. providing the Department when requested with contributions for monthly, quarterly and annual returns including its annual Security Risk Management Overview return to the Cabinet Office and for its Governance Statement.
5. participating in regular reviews of performance management arrangements for Cafcass conducted by the Department; and
6. making sure that the Department and the relevant Minister are kept informed of any changes and/or risks which are likely to impact on the strategic direction of Cafcass or the attainability of its targets, and determine the steps needed to deal with such changes.

## *Responsibilities to Cafcass Board*

8.5. The Chief Executive is responsible for:

1. advising the Board on the discharge of Cafcass responsibilities as set out in this document, in the founding legislation and in any other relevant instructions and guidance that may be issued from time to time;

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2. advising the Board on Cafcass performance compared with its aims and objectives;
3. making sure that financial considerations are taken fully into account by the Board at all stages in reaching and executing its decisions, and that financial appraisal techniques are followed; and
4. taking action as set out in paragraphs 3.7.5 of Managing Public Money if the Board, or its Chair, is contemplating a course of action involving a transaction which the Chief Executive considers would infringe the requirements of propriety or regularity or does not represent prudent or economical administration, efficiency or effectiveness, is of questionable feasibility, or is unethical.

## **9. The Cafcass Board**

- 9.1. The Board should make sure that effective arrangements are in place to provide assurance on risk management, governance and internal control. The Board must set up an Audit and Risk Assurance Committee chaired by a suitably experienced non-executive board member of the Cafcass Board. Both the Board and its Audit and Risk Assurance Committee are expected to assure themselves of the effectiveness of the internal control and risk management systems.
  - 9.2. The Board is specifically responsible for:
    1. establishing and taking forward the strategic aims and objectives of Cafcass consistent with its overall strategic direction and within the policy and resources framework determined by the responsible Minister;
    2. making sure that the responsible minister is kept informed of any changes or risks that are likely to impact on the strategic direction of Cafcass or on the attainability of its targets, and determining the steps needed to deal with such changes or risks;
    3. making sure that any statutory or administrative requirements for the use of public funds are complied with; that the Board operates within the limits of its statutory authority and any delegated authority agreed with the Department, and in accordance with any other conditions relating to the use of public funds; and that, in reaching decisions, the Board takes into account guidance issued by Department;
    4. making sure that it receives and reviews regular financial information concerning the management of Cafcass, is informed in a timely manner of any concerns about the activities of Cafcass, and provides positive assurance to the Department that appropriate action has been taken on such concerns;
    5. demonstrating high standards of corporate governance at all times, including by using the Audit and Risk Assurance
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- committee to help the Board to identify, address and manage key financial and other risks;
6. making sure that Cafcass is compliant with appropriate adaptations of sections of Corporate Governance in Central Government Departments: Code of Good Practice;
  7. making sure that suitable business continuity arrangements are put into place and tested; and
  8. with the responsible ministers approval, appoint a Chief Executive and, in consultation with the Department, set performance objectives and remuneration terms linked to those objectives for the Chief Executive which give due weight to the proper management and use and utilization of public resources.

## *Board Expenses*

- 9.3. The travel expenses of Board members shall be tied to Cafcass's travel and expenses policy which will comply with the Department's own policy and government regulations.

## *9.4 The Chair's personal responsibilities*

The Chair is responsible to the responsible minister. Communications between the Cafcass Board and the responsible minister should normally be through the Chair.

1. The Chair shall ensure that the sponsor and policy teams and the other Board members are kept informed of such communications.
2. The Chair should meet at least annually, before the end of the financial year, with the responsible minister.
3. The Chair is responsible for making sure that Cafcass's policies and actions support the responsible minister's wider strategic policies as set out in the annual remit letter and that its affairs are conducted with probity. Where appropriate, these policies and actions should be clearly communicated and disseminated throughout Cafcass.
4. The Chair's performance will be appraised annually by the relevant Departmental Director General.

- 9.5 In addition, the Chair has the following leadership responsibilities:

1. formulating the Board's strategy;
2. making sure that the Board, in reaching decisions, takes proper account of guidance provided by the responsible minister or the Department;
3. promoting the efficient and effective use of staff and other resources;
4. delivering high standards of regularity and propriety; and
5. representing the views of the Board to the general public.

- 9.6 The Chair also has an obligation to make sure that:

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1. the work of the Board and its members is regularly reviewed and appraised and that they are working effectively;
2. the Board has a balance of skills appropriate to directing Cafcass business, as set out in the Government Code of Good Practice on Corporate Governance;
3. Board members are fully briefed on their terms of appointment, duties, rights and responsibilities;
4. he or she, together with the other Board members, receives appropriate training on financial management and reporting requirements and on any differences that may exist between private and public sector practice;
5. the responsible Minister is advised of Cafcass' needs when Board vacancies arise;
6. assessments of individual board members are carried out at least once a year throughout the term of appointment, not just prior to a possible reappointment, to ensure an individual continues to develop and add value to the organisation. The Chair will also carry out appraisals for those Chief Executives who are public appointees. [Chief Executives who are members of the Senior Civil Service (SCS) will be appraised using the usual SCS appraisal process.] Assessments will be linked to objectives for each year of the appointment and to the performance of Cafcass;
7. there is a Board Operating Framework in place setting out the role and responsibilities of the Board consistent with the Government Code of Good Practice for Corporate Governance;
8. there is a code of practice for Board members in place, consistent with the Cabinet Office Code of Conduct for Board Members of Public Bodies; and
9. the NAO Self Assessment guides for the Board and Audit and Risk Assurance Committee<sup>1</sup> are used.

## *Individual Board members' responsibilities*

### 9.7 Individual Board members should:

1. comply at all times with the Code of Conduct for Board Members of Public Bodies and with the rules relating to the use of public funds and to conflicts of interest;
2. 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;
3. comply with the Board's rules on the acceptance of gifts and hospitality, and of business appointments;
4. act in good faith and in the best interests of Cafcass;

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<sup>1</sup>[http://www.nao.org.uk/what\\_we\\_do/other\\_specialist\\_expertise/financial\\_management/support\\_for\\_audit\\_committees.aspx](http://www.nao.org.uk/what_we_do/other_specialist_expertise/financial_management/support_for_audit_committees.aspx)

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5. comply with terms of appointment, duties, rights and responsibilities; and
6. make sure that the Department and the responsible Minister are kept informed of any changes which are likely to impact on the strategic direction of Cafcass or the attainability of its targets, and determine the steps needed to deal with such changes, where they suspect the Chief Executive will not so inform the Department's sponsor/policy team and/ or the responsible Minister in accordance with clause 8.4.

## 10. Corporate governance

### *Board appointments - the Chair and Board members*

- 10.1. Cafcass Chair and Board members are appointed by the Secretary of State. Such appointments will comply with the Code of Practice of the Commissioner on Public Appointments (<http://publicappointmentscommissioner.independent.gov.uk/...>) and be in line with the Corporate Governance in central Government departments: Code of Good Practice. [http://www.hm-treasury.gov.uk/d/corporate\\_governance\\_good\\_practice\\_july2011.pdf](http://www.hm-treasury.gov.uk/d/corporate_governance_good_practice_july2011.pdf)

- 10.2. The Secretary of State or officials working on his behalf will engage directly with the Chair on Board appointments (other than the Chair's appointment) regarding the appropriate balance of skills and experience to enable it to discharge its business effectively.

### *Board appointments – the Chief Executive*

- 10.3. The chief executive is appointed by the Chair with the responsible minister's approval.

### *Composition of the Board*

- 10.4. In line with the Government's Code of Good Practice on Corporate Governance<sup>2</sup>, the Board will consist of a Chair, together with an appropriate number of non-executive members who have a balance of skills and experience appropriate to setting strategy for Cafcass and monitoring its delivery. The Board will have a minimum of nine members including the chair as stipulated in Cafcass's founding legislation.
- 10.5. Wherever possible a senior Department official will attend the Board as an observer.
- 10.6. At least one non-executive member of the Board will have a professional accountancy qualification or experience in a senior finance role to make sure effective scrutiny of the work of the Finance

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<sup>2</sup> [www.gov.uk/government/publications/corporate-governance-code-for-central-government-departments](http://www.gov.uk/government/publications/corporate-governance-code-for-central-government-departments)

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Department.

For Cafcass there should be members who have experience of its business, operational delivery and corporate services such as finance, HR, IS, technology, property asset management, estate management, communications and performance management.

## *Observers at Board meetings*

**10.7.** The Department shall send one observer to all full meetings of the Cafcass Board, wherever possible to represent the views of the Department. An observer's rights are covered in **Appendix A**. Observers are entitled to attend and participate in Board discussions like any Board member, but do not have the ability to vote. Cafcass shall provide observers with copies of any documents distributed to members of the Board or committee.

**10.8.** Departmental observers shall be invited to attend other Cafcass operational and/or programme boards/meetings, as required to discharge their duties defined in section 7.

## **11. Annual report and accounts**

**11.1.** Cafcass must publish an annual report of its activities together with its audited accounts after the end of each financial year. Cafcass shall provide to the Department its finalised (audited) accounts in line with HM Treasury guidelines.

**11.2.** The annual report must:

- 1.** cover any corporate, subsidiary or joint ventures under Cafcass's control;
- 2.** comply with the Financial Reporting Manual (FReM); and
- 3.** outline main activities and performance during the previous financial year and set out in summary form forward plans.

The accounts should be prepared in accordance with the relevant statutes and specific accounts direction issued by the Department as well as the Treasury's Financial Reporting Manual (the FReM).

**11.3.** Information on performance against key financial targets is within the scope of the audit and should be included in the notes to the accounts. The report and accounts shall be laid in Parliament and made available on the Cafcass website, in accordance with the guidance in the FReM.

**11.4.** A draft of the report should be submitted to the sponsors no later than two weeks before the proposed publication date.

**11.5.** Cafcass shall:

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1. provide the Department with a timely statement that converts Cafcass accounting data, based on their stated policies, to that which is consistent with the Department's accounting policies for consolidation purposes; and
2. provide the required information in line with a disseminated format and to a timetable that allows for the Department to produce the Department Group Account before the summer recess of Parliament, covering both the Department and its Executive NDPBs.

## *Whole of Government Accounts [WGA]*

### 11.6. Cafcass shall:

1. comply with Treasury directions in relation to the production of the WGA; and
2. from 2013-14 provide information that will enable the Department satisfactorily to produce a consolidated Department Group account.

## **12. Internal audit**

### 12.1. Cafcass shall:

1. establish and maintain arrangements for internal audit in accordance with the Public Sector Internal Audit Standards (PSIAS);
2. make sure that the Department is satisfied with the competence and qualifications of the Head of Internal Audit and the requirements for approving appointments in accordance with PSIAS;
3. set up an audit and risk assurance committee of its Board in accordance with the Code of Good Practice for Corporate Governance and the Audit and Risk Assurance Committee Handbook;
4. forward the audit strategy, periodic audit plans and annual audit report, including the Cafcass Head of Internal Audit opinion on risk management, control and governance as soon as possible to the sponsor who shall consult the Department's Group Head of Internal Audit and Assurance on this matter;
5. notify the sponsor of any significant changes to its internal audit arrangements; and
6. keep records of, and prepare and forward to the Department an annual report on fraud and theft suffered by Cafcass and notify the Department of any unusual or major incidents as soon as possible, and notify any changes to internal audit's terms of reference, the audit and risk assurance committee's terms of reference or Cafcass' Fraud Policy and Fraud Response Plan.

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- 12.2. The Committee will be chaired by a non-executive member who will make sure that effective arrangements for communication with the Department's Audit and Risk Committee are maintained.
- 12.3. Cafcass shall arrange for periodic quality reviews of its internal audit in accordance with the PSIAS. The Department shall consider whether it can rely on these reviews to provide assurance on the quality of internal audit. However, the Department reserves a right of access to carry out independent reviews of internal audit in Cafcass. Department's Internal Audit and Assurance Division shall also have a right of access to all documents prepared by Cafcass's internal auditor, including where the service is contracted out.

## 13. External audit

- 13.1. The Comptroller & Auditor General (C&AG) audits the Cafcass annual accounts and lays them before Parliament, together with his report.
- 13.2. In the event that Cafcass has set up and controls subsidiary companies, Cafcass will [in the light of the provisions in the Companies Act 2006] make sure that the C&AG is appointed auditor of those company subsidiaries that it controls and/or whose accounts are consolidated within its own accounts. Cafcass shall discuss with Department the procedures for appointing the C&AG as auditor of the companies.
- 13.3. The C&AG:
1. will consult the Department and Cafcass on which of the NAO or a commercial auditor shall undertake the audit(s) on his behalf, though the final decision rests with the C&AG;
  2. has a statutory right of access to relevant documents, including by virtue of section 25(8) of the Government Resources and Accounts Act 2000, those held by another party in receipt of payments or grants from Cafcass;
  3. will share with the Department information identified during the audit process and the audit report (together with any other outputs) at the end of the audit, in particular on issues impacting on the Department's responsibilities in relation to financial systems within Cafcass; and
  4. will, where asked, provide the Department's and other relevant bodies with Regulatory Compliance Reports and other similar reports which the Department may request at the commencement of the audit and which are compatible with the independent auditor's role.
- 13.4. The C&AG may carry out examinations into the economy, efficiency and effectiveness with which Cafcass has used its resources in discharging its functions. For the purpose of these examinations the



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C&AG has statutory access to documents as provided for under the National Audit Act 1983, section 8. In addition, Cafcass shall provide, in conditions to grants and contracts, for the C&AG to exercise such access to documents held by grant recipients and contractors and sub-contractors as may be required for these examinations; and shall use its best endeavours to secure access for the C&AG to any other documents required by the C&AG which are held by other bodies.

## *Right of access*

- 13.5. The Department has the right of access to all Cafcass records and personnel for any purpose including, for example, sponsorship audits and operational investigations.

## **Management and financial responsibilities**

### **14. Managing Public Money and other government-wide corporate guidance and instructions**

- 14.1. Unless agreed by the Department and, as necessary, HM Treasury, Cafcass shall follow the principles, rules, guidance and advice in Managing Public Money, referring any difficulties or potential bids for exceptions to the Sponsor team in the Department in the first instance. A list of guidance and instructions with which Cafcass should comply is in **Appendix B**

## *Management of grant-in-aid funding*

- 14.2. Once the budget has been approved by the Department, Cafcass shall have authority to incur expenditure approved in the budget without further reference to the Department, on the following conditions:
1. Cafcass shall comply with the delegations set out in **Appendix C**. These delegations shall not be altered without the prior agreement of Department;
  2. Cafcass shall comply with Managing Public Money regarding novel, contentious or repercussive proposals;
  3. the inclusion of any planned and approved expenditure in the budget shall not remove the need to seek formal Departmental approval where any proposed expenditure is outside the delegated limits, or is for new schemes not previously agreed, or meets the criteria for capital and/or revenue programmes and projects requiring prior approval by the Department and/or the Secretary of State.;
  4. Cafcass shall provide the Department with such information about its operations, performance, individual projects or other expenditure as the Department may reasonably require; and
  5. Cafcass shall comply with the specific instructions and guidance issued by the Department or HM Treasury and HMRC on Corporation Tax and VAT.

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## *Income from other sources*

- 14.3. Cafcass may receive income from sources other than the Department on the following conditions:
1. Cafcass shall only receive income in respect of functions or activities approved by the Department and included in the Business Plan;
  2. Cafcass shall comply with *Managing Public Money*;
  3. fees or charges for any services supplied by Cafcass shall be determined in accordance with the *Managing Public Money*;
  4. Cafcass shall adhere to relevant state aid Regulations; and
  5. Cafcass shall provide the Department with such information on other income as the Department may reasonably require.

In such circumstances Cafcass shall follow the principles, rules, guidance and advice in Consolidated Budget Guidance, FReM and *Managing Public Money*, referring any difficulties or exceptions to the sponsors in the first instance.

- 14.4. (If appropriate) interest income from commercial bank accounts must be surrendered as Consolidated Fund extra receipts (CFERs).

## *Management and ownership of Assets*

- 14.5. All assets owned by Cafcass must be managed in accordance with the relevant provisions of *Managing Public Money*.

## *Memorandum of Understanding [MOU]*

- 14.6. Cafcass shall notify the sponsor team when it starts negotiating a new MOU. The drafting of an MOU<sup>3</sup> falls to Cafcass which should take any necessary legal advice. The Department is responsible for providing advice and clearance of any MOU with financial implications. Cafcass shall consult with the Department where an MOU will impose any financial responsibilities on any party. Where an MOU is to be established which involves funding from another government Department or public body, the MOU in line with HM Treasury Consolidated Budget guidance shall be between the Department and the other public body and signed by a Departmental official. Cafcass would normally be a co-signatory.

## **15. Risk management**

- 15.1. Cafcass shall make sure that the risks that it faces are identified and managed in an appropriate manner, and in accordance with relevant aspects of best practice in corporate governance, and develop a risk

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<sup>3</sup> An MOU is a written, non-contractual, non-legally binding arrangement between two or more parties, setting out the understanding of the parties but does not create enforceable rights or obligations. An MOU is appropriate where the NDPB enters into a cooperative arrangement with a Department other than the sponsor Department, an NDPB, public body, non-government organisation or company.

# CAFCASS FRAMEWORK DOCUMENT

management strategy, in accordance with the Department's *Risk Management Policy and Risk Management Handbook* and the HM Treasury guidance: *Management of Risk: Principles and Concepts* (the Orange Book)<sup>4</sup>.

- 15.2. Cafcass shall make sure it complies with the relevant Cabinet Office standards and guidelines for the handling of sensitive data and that an effective system of programme, project management and operational business and contract management is maintained.
- 15.3. Cafcass should adopt and implement policies and practices to safeguard itself against fraud and theft, in line with the HM Treasury's guidance on Tackling Fraud. It should also take all reasonable steps to appraise the financial standing of any firm or other body with which it intends to enter into a contract or to give grant or grant-in-aid.

## 16. Strategic and business plans

- 16.1. Cafcass shall submit annually to the Department drafts of its business plans covering one year. Cafcass shall agree with the Department the issues to be addressed in the plan and the timetable for its preparation. The plan shall reflect:
  - 1. Cafcass's statutory duties;
  - 2. how Cafcass contributes to the achievement of the Department's aims and objectives, targets or other priorities set out in the annual ministerial letter of direction (issued at the beginning of the business planning cycle), setting out the priorities and parameters;
  - 3. plans to deliver the set cashable efficiency target; and
  - 4. within those duties, the priorities set from time to time by the responsible minister (including decisions taken on policy and resources in the light of wider public expenditure decisions).
- 16.2. The first year of the strategic plan, amplified as necessary, shall form the basis for the business plan. The business plan shall be updated to include key targets and milestones for the year immediately ahead as set out in the annual remit letter and shall be linked to budgeting information so that resources allocated to achieve specific objectives can readily be identified by the Department. Subject to any commercial considerations, a digest of the corporate and business plans should be published by Cafcass on its website and separately be made available to staff.
- 16.3. The following key matters should be included in the plans:
  - 1. key objectives and associated key performance targets for the forward years, and the strategy for achieving those objectives;

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<sup>4</sup> [http://www.hm-treasury.gov.uk/psr\\_governancerisk\\_index.htm](http://www.hm-treasury.gov.uk/psr_governancerisk_index.htm)

# CAFCASS FRAMEWORK DOCUMENT

2. key non-financial performance targets;
3. a review of performance in the preceding financial year, together with comparable outturns for the previous 2-5 years, and an estimate of performance in the current year;
4. alternative scenarios and an assessment of the risk factors which may significantly affect the execution of the plan but that cannot be accurately forecast; and
5. other matters as agreed between the Department and Cafcass.

## **17. Value for Money**

- 17.1. Cafcass shall identify opportunities for improving value for money (VfM) by giving explicit consideration to how it spends money against its outputs and to the indicators which best describe this in Value for Money terms.
  - 17.2. Within this agenda for improvement Cafcass shall provide the following information against remits as agreed with the Department:
    1. accurate and timely data to support VfM savings for reduction in administrative spend;
    2. accurate and timely data to support VfM savings within the sector in which it operates;
    3. benchmarking data to demonstrate VfM of back office functions and
    4. a VfM plan to demonstrate how it intends to improve VfM.
  - 17.3. Cafcass shall report on its VfM plan on a quarterly basis. Data submitted to the Department and performance on progress against the VfM plan will be assessed by the Department against the following criteria:
    1. VfM improvements delivered in-year measured against the delegated baseline. The delegated baseline year is the last full financial year prior to that in which this Framework Document is signed;
    2. evidence to demonstrate the movement of administrative savings to support delivery activity (where Cafcass has been given authority to recycle their back office savings to support delivery activity);
    3. costed and profiled projected gains;
    4. management of risk; and
    5. governance.
  - 17.4. Cafcass shall subject its VfM savings to audit scrutiny and report VfM savings made in year within its Annual Report. Cafcass shall, where asked, provide additional progress reports on Value for Money as required.
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## **18. Working with the third sector<sup>5</sup>**

- 18.1. The Government is committed to partnership working with the third sector. Cafcass should consider what opportunities exist for engaging with the third sector, to help design and deliver its objectives and targets.
- 18.2. Cafcass shall take responsibility for working closely with the voluntary sector operating in its sector. It shall take steps to make sure that it incorporates:
  1. the principles of The Compact into its policies; and
  2. the undertakings given in The Compact into its operational practices and procedures.
- 18.3. Cafcass shall provide an annual report to the Department on the funding awarded to third sector organisations through both grant and contract agreements.

## **19. Budgeting procedures**

- 19.1. Each year, in the light of decisions by the Department on the updated draft strategic plan, the Department will send to Cafcass as part of the annual remit process:
  1. a statement of any planned change in policies affecting Cafcass; and
  2. a formal statement of the annual budgetary provision allocated by the Department in the light of competing priorities across the Department and of any forecast income approved by the Department.
- 19.2. The approved annual business plan will take account both of approved funding provision [where this applies] and any forecast receipts, and will include a budget of estimated payments and receipts together with a profile of expected expenditure and of draw-down of any the Departmental funding and/or other income over the year. These elements form part of the approved business plan for the year in question.

## **20. Grant-in-aid and any ring-fenced grants**

- 20.1. Any grant-in-aid provided by the Department for the year in question will be voted in the Department's Supply Estimate and be subject to Parliamentary control.
- 20.2. Funding should be phased through the year in instalments designed to reflect Cafcass's expenditure pattern. In this way Cafcass need not

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<sup>5</sup> The Government uses the term 'third sector' to describe voluntary and community organisations, charities, faith groups, social enterprises, cooperatives and mutuals, both large and small.

# CAFCASS FRAMEWORK DOCUMENT

carry significant cash balances at year end. The grant-in-aid will normally be paid in monthly instalments on the basis of written applications showing evidence of need. Cafcass will comply with the general principle that there is no payment in advance of need. Cash balances accumulated during the course of the year from grant-in-aid or other Exchequer funds shall be kept to a minimum level consistent with the efficient operation of Cafcass; this total shall not exceed 2% of total annual grant-in-aid.

**20.3.** In the event that the Department provides to Cafcass separate grants for specific (ring-fenced) purposes, it would issue the grant as and when Cafcass needed it on the basis of a written request. Cafcass would provide evidence that the grant was used for the purposes authorised by the Department. Cafcass shall not have uncommitted grant funds in hand, nor carry grant funds over to another financial year.

## **21. Reporting performance and risk to the Department**

**21.1.** Cafcass shall operate management, information and accounting systems which enable it to review in a timely and effective manner its financial and non-financial performance against the budgets and targets set out in the corporate and business plans.

**21.2.** Cafcass shall inform the Department of any changes, problems and/or risks which make achievement of objectives more or less difficult and/or lead to a significant change in both Cafcass's and the Department's risk exposure. This includes risks to achieving objectives, public protection, information management, reputation and finance.

**21.3.** Cafcass shall report financial and non-financial performance, including performance in helping to deliver ministers' policies, and the achievement of key objectives on a basis to be specified. Cafcass's performance shall be formally reviewed by the Department's Sponsor team quarterly as reflects the sponsorship model.

**21.4.** To enable the Department to fully review Cafcass's performance a meeting with the Chair and Chief Executive will be held at least twice a year. The Responsible Minister himself will conduct at least one of these performance reviews; other reviews may be held by officials.

**21.5.** The responsible minister will meet the Board, Chair and Chief Executive at least once a year to discuss Cafcass's performance, its risks, its current and future activities and any policy developments relevant to those activities.

### *Providing monitoring information to the Department*

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- 21.6. As a minimum, Cafcass shall provide the Department with information monthly in line with a disseminated format and timetable which will enable the Department satisfactorily to monitor:
1. Cafcass's cash management;
  2. its draw-down of grant-in-aid;
  3. actual figures and budget for the month and year to date by resource and capital headings;
  4. forecast outturn by resource headings;
  5. other data required for online system for central accounting and reporting (OSCAR)
  6. explanation of budget variances;
  7. information for consolidation of Cafcass's resource and capital outturn and budgets into the Department financial system; and
  8. statements reconciling resource accounts to Departmental expenditure limit budgets [should initially be based on draft accounts];

## *Cafcass - Department working level liaison arrangements*

- 21.7 The Department's assurance sponsorship team will liaise regularly with Cafcass officials to review financial performance against plans, achievement against targets and Cafcass's expenditure against its Departmental expenditure limit (DEL) and annually managed expenditure (AME) allocations. All parties agree to communicate openly and often on an informal basis, ensuring 'no surprises' in their dealings with each other. Arrangements for dealing with urgent issues and problems will be agreed between the Department and Cafcass, with the sponsor team being kept informed of any developments in this regard.
- 21.8 The Department operates a proportionate approach to sponsorship for individual arms length bodies. The details of the sponsorship relationship and how it will operate in practice will be laid out in the sponsorship agreement (**Appendix D**) which will be agreed between Cafcass and the Department.

## **22. Delegated authorities**

- 22.1. Cafcass's delegated authorities are set out in **Appendix C**. Cafcass shall, in a timely manner, obtain the Department's prior written approval before:
1. entering into any undertaking to incur any expenditure that falls outside the delegations or which is not provided for in Cafcass's annual budget as approved by the Department;
  2. incurring expenditure for any purpose that is or might be considered novel or contentious, or which has or could have significant future cost implications;

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3. making any significant change in the scale of operation or funding of any initiative or particular scheme previously approved by the Department;
4. making any change of policy or practice which has wider financial implications that might prove repercussive or which might significantly affect the future level of resources required; or
5. adopting or implementing policies that go against the principles, rules, guidance and advice in Managing Public Money.

## **23. Procurement**

- 23.1. Cafcass shall make sure that its procurement policies are aligned with those of the Department and comply with any relevant EU or other international procurement rules and, in particular, the Public Contracts Regulations 2006.
- 23.2. Cafcass shall establish its procurement policies and document these in a Procurement Policy and Procedures Manual or within its overarching Operating Framework. Cafcass shall issue delegation agreements to named individuals and these will be reviewed and re-issued annually in line with audit requirements. Delegation holders may sub-delegate as appropriate within their delegated procurement authority, but they retain full responsibility for all procurement activity carried out on their behalf.
- 23.3. In procurement cases where Cafcass is likely to exceed the delegation limit authority delegated to the Department from the Treasury, procurement strategy approval for the specific planned purchase must be sought from the sponsor team.
- 23.4. Periodically and wherever practicable Cafcass procurement shall be benchmarked against best practice elsewhere and options considered where this would achieve better value for money.
- 23.5. Goods, services and works should be acquired in the first instance from Crown Commercial Service or the Department's contracts. Requirements not available from those contracts must be competed in accordance with prevailing procurement policies unless there are convincing, documented, reasons to the contrary. Proposals to let single-tender or restricted contracts shall be limited and exceptional. Cafcass shall send to the Department's Director of Procurement each quarter a report for that period explaining, with justifications, any contracts in which competitive tendering was not employed. Contracts with a value of £10k and above are to be advertised on Contracts Finder in accordance with Cabinet Office requirements.



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- 23.6. Procurement by Cafcass of works, equipment, goods and services shall be based on value for money, i.e. the optimum combination and whole life costs and quality (fitness for purpose). Where appropriate, a full option appraisal shall be carried out before procurement decisions are taken.
- 23.7. Cafcass shall engage fully with Department and Government wide procurement initiatives which seek to achieve VfM from collaborative projects.
- 23.8. Cafcass shall also co-operate fully with initiatives to improve the availability of procurement data to facilitate the achievement of VfM. Procurement data, in a format to be agreed, will be provided to the Department's Procurement Directorate monthly to enable MoJ Procurement Directorate to comply with Cabinet Office reporting requirements.

## 24. Cafcass staff

### *Broad responsibilities for Cafcass staff*

- 24.1. Within the arrangements approved by the responsible minister [and the Treasury] Cafcass will have responsibility for the recruitment, retention and motivation of its staff. The broad responsibilities toward its staff are to make sure that:
1. the rules for recruitment and management of staff create an inclusive culture in which diversity is fully valued; the recruitment policy is to support the Apprentice scheme and to recruit both Apprentices and people from the PSA 16 group wherever possible, with appointment and advancement based on merit; and there is no discrimination on grounds of gender, marital status, sexual orientation, race, colour, ethnic or national origin, religion, disability, community background or age;
  2. the level and structure of its staffing, including grading and staff numbers, are appropriate to its functions and the requirements of economy, efficiency and effectiveness;
  3. the performance of its staff at all levels is satisfactorily appraised and Cafcass performance measurement systems are reviewed from time to time;
  4. its staff are encouraged to acquire the appropriate professional, management and other expertise necessary to achieve Cafcass objectives;
  5. proper consultation with staff takes place on key issues affecting them;
  6. adequate grievance and disciplinary procedures are in place; and
  7. whistle-blowing procedures consistent with the Public Interest Disclosure Act 1998 are in place.

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## *Procurement and Financial staff*

24.2. Where recruiting a Commercial Director, Head of Procurement or similar post or Finance Director or similar post Cafcass should consult with, respectively, the Department Procurement Committee or Finance Group via the sponsor team. In line with Professional Skills for Government, Cafcass should aim for a target of staff in designated procurement and financial roles to be working towards a professional procurement / financial qualification.

## *Staff costs*

24.3. Subject to its delegated authorities, Cafcass shall make sure that the creation of any additional posts does not incur forward commitments which will exceed its ability to pay for them.

## *Pay and conditions of service<sup>6</sup>*

24.4. Cafcass staff are subject to levels of remuneration and terms and conditions of service (including pensions) within the general pay structure approved by the Department [and the Treasury]. Cafcass has no delegated power to amend these terms and conditions.

24.5. If civil service terms and conditions of service apply to the rates of pay and non-pay allowances paid to Cafcass staff and to any other party entitled to payment in respect of travel expenses or other allowances, payment shall be made in accordance with the Civil Service Management Code except where prior approval has been given by the Department to vary such rates.

24.6. Staff terms and conditions should be set out in the employee's contract of employment.

24.7. Cafcass shall operate a performance-related pay scheme which shall form part of the annual aggregate pay budget approved by the Department or the general pay structure approved by the Department and the Treasury, whichever is applicable.

24.8. Cafcass shall comply with the EU Directive on contract or agency workers – the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

## *Pensions, redundancy and compensation*

24.9. Cafcass staff shall normally be eligible for a pension provided by admittance to the Local Government Pension Scheme (LGPS).

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<sup>6</sup> [NB the Department should have regard to chapter 5 of the Cabinet Office Guide to Public Bodies that provides guidance on staff issues in public bodies.]

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**24.10.** Staff may opt out of the occupational pension scheme provided by Cafcass. However, the employer's contribution to any personal pension arrangement, including a stakeholder pension, shall [normally] be limited to the national insurance rebate level.

**24.11.** Any proposal by Cafcass to move from the existing pension arrangements, or to pay any special payments in relation to redundancy or compensation for loss of office, requires the prior approval of the Department, and, in some instances, of the Cabinet Office. Proposals on severance must comply with the rules in Annex 4.13 of Managing Public Money.

## **25. Equality and Diversity of Cafcass Services**

**25.1.** Cafcass shall publish an overarching Equality Strategy to focus on each of the equality strands covered by the duty to promote equality and provide published progress reports as required. Cafcass will provide contributions to the 2014 Secretary of State report on progress towards disability equality across the sector and subsequent Secretary of State triennial reports. The Equality Strategy should also be published by Cafcass on its website.

## **26. Better Regulation, Consultation and Impact Assessments**

**26.1.** Cafcass shall follow the Government's commitment to efficient and effective regulation. Where necessary, Cafcass shall follow the Government's Code of Practice on Consultation and comply with the Government's Better Regulation agenda and the Principles of Good Regulation. Where necessary Cafcass shall produce Impact Assessments on any proposal which imposes or reduces costs on businesses, the third sector or the public sector. Impact Assessments and any related material should be produced in accordance with the guidance produced by the Better Regulation Executive.

**26.2.** Where appropriate Cafcass shall abide by the principles set out in the Hampton Review, 'Reducing administrative burdens: effective inspection and enforcement' and any subsequent Government guidance.

## **27. Security**

**27.1.** Cafcass is required to provide an annual assurance report and quarterly updates to the Department in support of the Permanent Secretary's principal accountability for physical security, information assurance and business continuity arrangements across the Department including its NDPBs and Agencies. The reports will be commissioned by the Department Security Officer (DSO).

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- 27.2.** Cafcass shall make sure that it is compliant with each of the requirements of the HMG Security Policy Framework (SPF) except where the non-applicability of an individual SPF requirement to Cafcass has been formally agreed with the DSO. Where work to achieve compliance with any of the requirements of SPF is still in progress this shall be reported to the DSO, and any significant risks associated with this non-compliance shall be visible to, and accepted by, the Cafcass Senior Information Risk Owner.
- 27.3.** When handling any protected personal data Cafcass shall make sure that it does so in full compliance with the HMG mandatory minimum measures set out in IA Standard no.6 'Handling Personal Data and Managing Information Risk'. Cafcass shall also make sure that its Delivery Partners and 3rd Party Suppliers are aware of, and charged with adherence to, any applicable requirements from IA Standard no.6.
- 27.4.** Any significant security incidents (and all security incidents involving protected personal data) affecting Cafcass shall be immediately notified to the DSO.
- 28. Freedom of Information – Responsibility to consult with third parties**
- 28.1.** The Freedom of Information [FOI] Act 2000, and subsequent legislative updates to it, places a requirement on NDPBs, subject to certain exemptions, to disclose information to the general public upon request.
- 28.2.** Cafcass as a public authority for the purposes of the FOI Act is responsible for answering its own FOI requests. Where Cafcass holds information in common with the Department, another NDPB or any other government the Department, it shall consult as necessary to make sure that an appropriate response is provided. The Department will consult with Cafcass about releasing information it holds where Cafcass has an interest in it and vice versa.
- 28.3.** Cafcass should make available on its website its publication scheme and take steps to make sure that information is published in accordance with it.
- 29. Transparency**
- 29.1.** As part of the Government's Transparency Agenda, Cafcass must publish details for all new ICT contracts over £10,000, tender documents for new contracts over £10,000, all new contracts over £10,000 and monthly information on spending for transactions over £25,000.
- 29.2.** Any transactions which should not be published, for example because they would contravene the law, will be excluded (or redacted). Salary

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payments to staff and personal information covered by the Data Protection Act (DPA) or the Freedom of Information Act (FOIA) will be redacted.

## **30. Information Management and Security**

**30.1.** The Data Protection Act provides a framework to make sure that personal data (i.e. any information from which a living individual can be identified) is handled properly. Under the Act, Cafcass, listed or designated as public authority for the purposes of the Act, will be a data controller and must register with the Information Commissioner and be governed by the Data Protection Act.

**30.2.** The Act also gives individuals the right to find out what personal data (of which they are the subject) is held about them. Cafcass [as public authority for the purposes of the Act] shall make the following available to such subject access requests:

- 1.** information as to whether personal data (belonging to them) is being processed
- 2.** a description of the personal data, the purpose of its processing and anyone with whom it is being (or is to be) shared;
- 3.** a copy of the personal data in an intelligible form and information about its source (if available); and
- 4.** information about any automated decisions that significantly affect the data subject

Cafcass is required to comply with Government standards for the management of security and information risk as set out in the Government Information Standards where it exchanges information with the Department or other departments in carrying out a business role, or in delivering a service on behalf of Government. If requested by the Department, information relating to any significant weakness in meeting these standards will be provided for inclusion in the Department's annual Security Risk Management Overview return to the Cabinet Office and, if particularly serious, in the Department's Governance Statement. The department's Departmental Security Officer and Senior Information Risk Owner will commission supporting details from Cafcass having regard to the assessed level of risk.

**30.3.** Cafcass should make available on its website its policy on data protection.

## **31. Sustainable Development and Greenhouse Gas Reduction**

The Government wants to mainstream sustainable development so that it is central to policy making and delivery, estate management and the purchasing of goods and services. Cafcass will comply with policies

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and guidance issued by the Department, the Treasury or other relevant bodies in relation to sustainable development, contributing to the Government's vision for Mainstreaming Sustainable Development and to the Department's results under Greening Government Commitments Operations and Procurement.

- 31.1.** Cafcass holds responsibility for assisting the Department in meeting its greenhouse gas reduction targets and for enabling the Department to stay within its corresponding carbon budgets. Cafcass is required to liaise with the Department in regard to actions required to reduce emissions, resulting from Cafcass's own operations and from the children's services sector. Actions agreed with the Department should feature within Cafcass's Sustainable Development Action Plan.

## **32. Transformational Government**

- 32.1.** Where Cafcass has been given permission by the Department's Digital Division and Corporate Communications to create or retain its corporate website, customer focused content must be surfaced on the appropriate customer channel:

- 1.** justice.gov.uk for all workforce information and services;
- 2.** Direct Gov for all public-facing content; and
- 3.** Business Link for all employer-facing content.

Cafcass should agree any changes to an existing URL with the sponsor team and the Digital Communications Unit [DCU]. Campaign materials must direct to that customer-facing site only.

- 32.2.** From April 2014, Cafcass must report on the usage and operational costs of its website. It must report its findings to the Department DCU and the Sponsor team.

## **33. Review of this framework document,**

- 33.1.** The document shall be reviewed every three years in line with the corporate planning process, or sooner if appropriate. The next review of this framework document will take place in the financial year 2016-17.

## **34. Review of Cafcass status (and winding-up arrangements)**

The status of Cafcass will be reviewed every three years as part of the Triennial Review process for NDPBs. The next review will be in 2017.

## **35. Arrangements in the event that Cafcass is wound up**

- 35.1.** The Department shall put in place arrangements to make sure the orderly winding up of Cafcass. In particular it should make sure that the

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assets and liabilities of Cafcass are passed to any successor organisation and accounted for properly. (In the event that there is no successor organisation, the assets and liabilities should revert to the Department.) To this end, the Department shall:

1. make sure that procedures are in place in Cafcass to gain independent assurance on key transactions, financial commitments, cash flows and other information needed to handle the wind-up effectively and to maintain the momentum of work inherited by any residuary body;
  2. specify the basis for the valuation and accounting treatment of Cafcass' assets and liabilities;
  3. make sure that arrangements are in place to prepare closing accounts and pass to the C&AG for external audit and that funds are in place to pay for such audits. It shall be for the C&AG to lay the final accounts in Parliament, together with his report on the accounts; and
  4. arrange for the most appropriate person to sign the closing accounts. In the event that another NDPB takes on the role, responsibilities, assets and liabilities, the succeeding NDPB AO should sign the closing accounts. In the event that the Department inherits the role, responsibilities, assets and liabilities, the Department AO should sign.
- 35.2. Cafcass shall provide the Department with full details of all agreements where Cafcass or its successors have a right to share in the financial gains of developers. It should also pass to the Department details of any other forms of claw-back due to Cafcass.

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## LIST OF APPENDICES TO THE SPECIMEN DOCUMENT

**Appendix A** - Protocol for the attendance of observer at meetings of the Board

**Appendix B** - List of Government-wide corporate guidance instructions

**Appendix C** - Financial memorandum and lists of delegated authorities

**Appendix D** – Sponsorship Agreement

Alison Wedge	Julie Brown
Head of ALB Governance Division, Ministry of Justice	Finance Director, Cafcass
31 <sup>st</sup> March 2014	31 <sup>st</sup> March 2014
(On behalf of the the Department)	(On behalf of Cafcass)