

2000 No. 3374

CHILDREN AND YOUNG PERSONS, ENGLAND AND WALES
FAMILY LAW, ENGLAND AND WALES

The Children and Family Court Advisory and Support Service (Membership, Committee and Procedure) Regulations 2000

<i>Made</i> - - - -	<i>19th December 2000</i>
<i>Laid before Parliament</i>	<i>28th December 2000</i>
<i>Coming into force</i>	<i>18th January 2001</i>

The Lord Chancellor, in exercise of the powers conferred upon him by paragraphs 2 and 4 of Schedule 2 to the Criminal Justice and Court Services Act 2000^(a) makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Children and Family Court Advisory and Support Service (Membership, Committee and Procedure) Regulations 2000 and shall come into force on 18th January 2001.

(2) In these Regulations—

“co-opted member” means a person co-opted in accordance with regulation 7(1); but

any reference to a member is a reference to a member of the Service and does not include a co-opted member.

Members of the Service

2.—(1) The Service shall consist of eleven members of which at least one member shall reside in Wales.

(2) The Lord Chancellor shall appoint the members in accordance with regulations 3 and 4.

(3) The Lord Chancellor shall appoint one of the members to be the chairman in accordance with regulation 5.

Eligibility for membership

3.—(1) When appointing members the Lord Chancellor shall have regard to the desirability of ensuring that the Service includes persons with expertise in or knowledge of—

^(a) 2000 c. 43.

- (a) management;
 - (b) business and finance;
 - (c) social conditions relating to children and families; and
 - (d) the work of the courts.
- (2) No person shall serve as a member for periods totalling more than eight years.
- (3) No officer or employee of the Service shall be appointed as a member.
- (4) No person who is an undischarged bankrupt shall be appointed as a member.

Members' tenure of office

- 4.—(1) A member shall be appointed for a fixed period of no more than four years.
- (2) A member may resign at any time by giving notice in writing to the Lord Chancellor.
- (3) The Lord Chancellor shall terminate the office of a member, by notice in writing which will include the date of termination and the reasons for termination, if the member—
- (a) is adjudged bankrupt,
 - (b) in the Lord Chancellor's opinion, is unable or unfit to carry out his functions as a member, or
 - (c) has, without the prior consent or subsequent approval of the Service, failed to attend meetings for a consecutive period of three months.
- (4) The office of a member shall be terminated on his appointment as an officer or employee of the Service.

The chairman's tenure of office

- 5.—(1) The chairman shall be appointed for a fixed period that does not extend beyond his term of membership.
- (2) The chairman may resign from the office of chairman at any time by giving notice in writing to the Lord Chancellor and on his resignation from the office of chairman the chairman's membership shall also terminate.
- (3) On termination of the chairman's membership by the Lord Chancellor under regulation 4(3) or on the chairman's resignation from his office of a member under regulation 4(2) his office of chairman shall also terminate.

Vacancies

6. If a vacancy arises in the office of a member or the office of chairman before the expiry of the fixed period of appointment, the Lord Chancellor shall make an appointment in accordance with regulations 3 and 4, and, in the case of the office of chairman, regulation 5.

Co-opted members

- 7.—(1) The Service may co-opt no more than five persons to provide expertise to the Service.
- (2) A co-opted member may resign at any time by giving notice in writing to the chairman.
- (3) No officer or employee of the Service other than the chief executive or a director shall be appointed as a co-opted member.
- (4) A co-opted member shall be appointed for fixed periods of no more than two years unless the co-opted member is the chief executive or a director of the Service.
- (5) Where the co-opted member is the chief executive or a director of the Service, the Service shall specify the period of appointment and the appointment may be renewed on the expiration of this period.
- (6) If, prior to the expiry of this period, the co-opted member's employment as the chief executive or a director should end or be suspended, his co-opted membership shall also end, or in the latter case, shall also be suspended.

The deputy chairman

- 8.—(1) The Service shall elect one of the members, who is not the chairman, to be the deputy chairman.

(2) The Service shall specify the period for which the member shall be the deputy chairman and this period shall not extend beyond his term of membership.

(3) If, prior to the expiry of this period, the deputy chairman's membership should end (through his resignation under regulation 4(2) or on termination under regulation 4(3)) his office of deputy chairman shall also end.

(4) The deputy chairman may resign from his office of deputy chairman at any time by notice in writing to the chairman.

(5) At the meeting following the end of the deputy chairman's period in office the Service shall appoint a deputy chairman in accordance with paragraphs (1) and (2).

Quorum and voting

9.—(1) A quorum of the Service shall be constituted by a minimum of no less than half of the members currently appointed.

(2) Where a decision is to be made by voting—

(a) each member present at the meeting shall have one vote, and

(b) where there is an equality of votes, the person who is presiding at the meeting (in accordance with regulation 10(6)) shall have an additional, casting vote.

Proceedings of the Service

10.—(1) The proceedings of the Service shall not be invalidated by reason of any vacancy among the members or any defect in the appointment of a member.

(2) The chairman shall arrange the first meeting of the Service and at this meeting the Service shall—

(a) elect a deputy chairman in accordance with regulation 8,

(b) establish a finance committee and an audit committee in accordance with regulation 11, and

(c) determine how often the Service shall meet.

(3) The Service shall, on at least two occasions in every calendar year, admit members of the public to a meeting of the Service and at one of those meetings the annual report of the Service shall be presented.

(4) Members of the public shall not be admitted to a meeting of the Service where matters listed in paragraph (8) will be discussed.

(5) The Service may request that an officer or employee provide a written report to the Service or attend a meeting of the Service.

(6) The meetings of the Service shall be presided over by—

(a) the chairman,

(b) where the chairman is absent, the deputy chairman, or

(c) where both the chairman and the deputy chairman are absent, the members shall elect one of the members to preside.

(7) Minutes shall be taken of the proceedings at each meeting and shall include the names of those present at the meeting and shall be signed by the chairman at the following meeting.

(8) The minutes of the proceedings of every meeting of the Service shall be open to inspection by members of the public, at the offices of the Service, except in so far as they relate to—

(a) officers or employees of the Service,

(b) the remuneration of officers or employees of the Service,

(c) individual cases, or

(d) matters which the Service considers to be commercially confidential or sensitive.

(9) Copies of any minutes which are open to inspection to the public under paragraph (8) shall be made available to the public on payment of such reasonable fee as the Service may in any case determine.

Establishment and functions of committees

- 11.**—(1) The Service shall establish a finance committee and an audit committee.
- (2) The finance committee shall:
- (a) create an annual business plan;
 - (b) approve annual budgets;
 - (c) monitor and review expenditure during the year; and
 - (d) co-ordinate the response of the Service to any external changes that may affect the Service's finances.
- (3) The Service shall appoint five of its members, one of which shall be the chairman of the Service, to be members of the finance committee.
- (4) The chairman of the Service shall also be the chairman of the finance committee.
- (5) The audit committee shall:
- (a) receive and approve all audit plans and reports;
 - (b) review audit activity and agree any changes from the plans;
 - (c) co-ordinate the Service's response to any recommendations in audit reports; and
 - (d) ensure that the Service has in place procedures which will facilitate financial probity and, when making decisions, the consideration of both quality and effectiveness.
- (6) The Service shall appoint five of its members, who are not members of the finance committee, to be members of the audit committee, and it shall appoint one of these members to be the chairman of the audit committee.
- (7) The Service shall specify the period for which a member shall serve on a committee and this period shall not extend beyond his term of membership of the Service.
- (8) If, prior to the expiry of this period, his membership of the Service should end (through his resignation under regulation 4(2) or on termination under regulation 4(3)) his membership of the committee shall also end.

Proceedings of committees

- 12.**—(1) A quorum of a committee shall be constituted by a minimum of three members of the committee, one of which shall be the chairman of the committee.
- (2) Where a decision of a committee is to be made by voting—
- (a) each member of the committee present at the meeting shall have one vote, and
 - (b) where there is an equality of votes, the chairman of the committee shall have an additional, casting vote.
- (3) The proceedings of a committee shall not be invalidated by reason of any vacancy among the members of the committee or any defect in the appointment of a member of the committee.
- (4) The chairman of a committee shall arrange its first meeting and the committees shall meet once every three months.
- (5) No member of the public shall be admitted to a meeting of a committee.
- (6) A committee may request that an officer or employee provide a written report to the committee or attend a meeting of the committee.
- (7) The chairman of the committee shall preside at the meetings of a committee.
- (8) Minutes shall be taken of the proceedings at each meeting of the committee and shall include the names of those present at the meeting and shall be signed by the chairman of the committee at the following meeting.

(9) The minutes of the proceedings of every meeting of a committee shall be open to inspection by members of the public as part of the minutes of the meeting of the Service except as they relate to matters listed in regulation 10(8).

Signed by authority of the Lord Chancellor

19th December 2000

Jane Kennedy
Parliamentary Secretary,
Lord Chancellor's Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations make provision for the membership, committees and procedure of the Children and Family Court Advisory and Support Service. The Service is established under section 11 of the Criminal Justice and Court Services Act 2000. The principal functions of the Service are, in respect of family proceedings in which the welfare of children is or may be in question, to safeguard and promote the welfare of the children, to give advice in any court about any application, to make provision for the children to be represented and to provide information, advice and other support for the children and their families.

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