

Department for
Education



Framework Agreement Document between the Department for Education and the Children's Commissioner

1 April 2015

Contents

Introduction	4
The purpose of the Children’s Commissioner and statutory duties	5
Children’s Commissioner’s Accounting Officer responsibility	5
Ministerial responsibilities	6
Department for Education’s Principal Accounting Officer responsibility ...	6
Governance.....	6
Annual report and accounts	7
Internal audit	8
External audit	8
Managing public money and other government-wide corporate guidance and instructions	9
Business planning and performance measurement	9
Risk management	10
Budgeting procedures	10
Reporting and providing monitoring information to the Department	12
Repayment of expenses	12
Delegated authorities	12
Procurement	13
Children’s Commissioner’s Staff	13
Pay and conditions of service	13
Pensions, redundancy and compensation	14
Better regulation, consultation and impact assessments	15
Security	15
Freedom of information	16

Information management and security	17
Sustainable development and greenhouse gas reduction	17
Arrangements in the event that the Children’s Commissioner’s Office is wound-up	17
Appendix 1	
List of delegated limits	19
Efficiency controls	20

Framework document

1. Introduction

1.1 This Framework Agreement sets out the respective responsibilities of the Department for Education (the Department) and the Children's Commissioner (the Commissioner) to support work of both organisations by: ensuring that effective corporate governance arrangements are in place; supported by the design of adequate and effective internal controls that demonstrate value for money; and are in fulfilment of the statutory remit to ensure the Commissioner's independence.

1.2 Unless otherwise stated, all references to the Commissioner also relate to the Office of the Commissioner (OCC). The Agreement will take effect from 1 April 2015 and will not convey any legal powers or responsibilities. It will be reviewed at least every three years, however the Department or the Commissioner may propose amendments at any time and revisions can be made with the agreement of both parties, and as necessary, HM Treasury.

1.3 The Department will arrange for copies of the Framework Agreement document and any subsequent substantive amendments to be placed in the libraries of both Houses of Parliament. The Framework Agreement document will also be made available on both the Department's and the Commissioner's websites.

Independence: Overarching principles

1.4 The Government's intention is that the Commissioner should have freedom in determining their own priorities and activities and be subject to as few constraints as possible in deciding how to carry out their business within the statutory remit. This independence is secured primarily through the OCC's founding legislation, set out in the Children Act 2004, as amended by the Children and Families Act 2014. It is also supported by the conditions set out in this Framework Agreement. All references in this Framework Agreement to the Children Act 2004 are to the Children Act 2004 as amended by Part 6 and Schedule 5 of the Children and Families Act 2014.

1.5 As an executive Non-Departmental Public Body (NDPB) certain controls will apply to the OCC which are designed to ensure propriety and value for money in the way that the organisation uses the public funding it receives. These are set out in detail in this Framework Agreement, alongside information on: the respective roles and responsibilities of the Department and OCC; and how the efficiency controls imposed on all public sector bodies at the present time will be applied to OCC, including any exemptions that will apply. Such exemptions explicitly recognise the need for the OCC to be able to carry out its important functions independently without undue Government influence.

1.6 Through its Annual Report, the OCC is directly accountable to Parliament for its performance and impact on the promotion and protection of children's

rights. The Annual Report will set out the key activities that OCC has undertaken and what impact they have had for Parliament's scrutiny. In addition, the Commissioner is accountable to the Permanent Secretary for the Grant-in-Aid he or she receives from the Department; and OCC's final accounts are also made available to Parliament to scrutinise, following audit and certification by the Comptroller and Auditor General.

2. The purpose of the Children's Commissioner

2.1 The Commissioner's primary function is to promote and protect the rights of children in England. The Commissioner's key statutory duties and functions are defined in Part 1 and Schedule 1 of the Children Act 2004. The Commissioner is a corporation sole and the OCC is classified as an executive Non-Departmental Public Body.

2.2 It is for the Commissioner to determine what activities to undertake in carrying out the primary function, taking account of the non-exhaustive list of activities set out in the Children Act 2014. In order to be able to carry out the role effectively, the Commissioner has powers that allow him or her to: require public bodies to provide information they hold; to enter premises (other than a private dwelling) where children are cared for or accommodated in order to interview them; and to require public bodies to respond in writing to recommendations that the Commissioner has made in a report.

3. Children's Commissioner's Accounting Officer responsibility

3.1 The Commissioner is designated by the Department's Principal Accounting Officer as an Accounting Officer. As Accounting Officer, the Commissioner is personally responsible for safeguarding the public funds for which he/she has charge; for propriety and regularity; value for money; efficient and effective use of those resources; and the organisation, operation and management of the office. As the Accounting Officer, he/she is required to provide assurance that the funds are used for the purposes intended by Parliament and are properly accounted for.

3.2 The Commissioner may delegate the day-to-day administration of Accounting Officer responsibilities to staff. In order that the Commissioner's independence is respected and demonstrated whilst remaining accountable to Parliament, the Commissioner and the Department for Education will:

- pursue value for money
- comply with managing public money
- operate a culture of 'no surprises', keeping each other informed of developments but without needing to seek permissions
- provide information necessary for monitoring purposes relating to financial management and value for money.

3.3 The Commissioner can and will develop and maintain his/her own relationships with ministers and officials in government departments. To aid the flow of information and to nurture relationships, the Department will act as a sponsor to the Commissioner by fulfilling obligations set out in the Framework Agreement and facilitating relationships with officials across government when necessary.

4. Ministerial responsibilities

4.1 The Secretary of State for Education's responsibilities include:

- appointing the Commissioner and setting the terms and conditions of that appointment
- approving the amount of grant-in-aid to be paid to the Children's Commissioner
- Covering matters relating to the Commissioner in Parliament given the Department's sponsorship responsibilities. However, the Commissioner may be called in their own right to report on the OCC's performance or to give evidence to Parliamentary Select Committees.

4.2 The Secretary of State's duties and powers in relation to the Commissioner's statutory duties are also defined in Part 1 (sections 1–9) and Schedule 1 of the Children Act 2004.

5. Department for Education's Principal Accounting Officer responsibility

5.1 The Permanent Secretary is the Department's Principal Accounting Officer (PAO) and has designated the Commissioner as the Accounting Officer for OCC. The respective responsibilities of both the PAO and Accounting Officers for NDPBs are set out in Chapter 3 of *Managing Public Money* which was sent separately to the Commissioner on appointment. These include: being accountable to Parliament for the issue of any grant-in-aid to the Commissioner and advising the Secretary of State on an appropriate budget in the light of the Department's overall public expenditure priorities.

The PAO is also responsible for:

- the payment of the grant-in-aid and any conditions attached to it
- monitoring of the Commissioner's compliance with those conditions
- the steps taken to ensure controls applied by the Department and the Commissioner conform to requirements of good financial management and safeguard public funds.

6. Governance

6.1 The Commissioner should ensure that adequate and effective governance arrangements are in place, supported by adequately designed and effective internal controls, embedded into the culture and are consistently applied. The

Commissioner should ensure that governance arrangements are compliant with Cabinet Office requirements placed on NDPBs and be consistent with the UK Corporate Governance Code.

6.2 The Commissioner has decided to ensure that policies, procedures and processes are reviewed on an annual basis and consistently applied to the following Boards and Committees:

- Senior Management team
- Advisory board
- Audit and Risk committee
- Pay and Rewards sub-committee

6.3 The Commissioner has decided to ensure that policies and procedures are adequate and effective in order to support the following:

- Appointment of Board and Committee members
- Equalities and diversity monitoring
- Removal of Board and Committee members
- Annual reviews of the Boards' and Committees' terms of reference and effectiveness
- Development of an annual programme for the Boards and Committees
- Annual review of policies and procedures
- Pay and Rewards sub-committee should be established and terms of reference agreed.

7. Annual Report and accounts

7.1 The Office of the Commissioner must publish an Annual Report of its activities and audited accounts after the end of each financial year. As Accounting Officer, the Commissioner shall provide to the Department finalised (audited) accounts to a timetable agreed between the Department and the Commissioner.

7.2 The financial aspects of the Annual Report must comply with the requirements set out in the Financial Reporting Manual (FReM) and the relevant Financial Reporting Standards (FRS), and cover any corporate, subsidiary or joint ventures under the Commissioner's control.

7.3 The accounts should be prepared in accordance with the relevant statutes and specific accounts direction issued by the Department as well as the International FReM. 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 before Parliament and made available on the Commissioner's website.

7.4 The Commissioner shall comply with Treasury directions in relation to the production of the *Whole of Government Accounts* and provide information that will enable the Department to satisfactorily produce a consolidated Department for Education Group account. To ensure this happens, the Commissioner must either align their own published accounting policies with those of the Department or provide the Department with a timely statement that converts the Commissioner's accounting data, based on their stated policies, to that which is consistent with the Department's accounting policies for consolidation purposes.

8. Internal audit

8.1 The Commissioner shall establish and maintain arrangements for internal audit in accordance with the Treasury's Government Internal Audit Standards (GIAS). The Commissioner is personally responsible for making suitable arrangements for internal audits, including establishing an audit committee in accordance with the Cabinet Office's Code of Conduct for Board Members of Public Bodies and the Treasury's Audit Committee Handbook. The Commissioner will follow the standards set out in *Managing Public Money* and allow the Department's internal audit unit to view all documents prepared by the Commissioner's auditors that are not related to the Commissioner's statutory role but relate to the Department's financial oversight responsibilities.

9. External audit

9.1 The Comptroller & Auditor General (C&AG) audits the Commissioner's annual accounts and certifies them prior to the laying before Parliament, together with the report. In the event that the Commissioner has set up and controls subsidiary companies, the Commissioner [subject to the Companies Act 2006] shall ensure that the C&AG is appointed auditor of those company subsidiaries that it controls and/or whose accounts are consolidated within its own accounts. The Commissioner shall discuss with the Department the procedures for appointing the C&AG as auditor of the companies.

The C&AG:

- will consult the Department and the Commissioner on whom – the National Audit Office (NAO) or a commercial auditor – shall undertake the audit(s) on his behalf, though the final decision rests with the C&AG
- 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 the Commissioner

- will share with both the Commissioner as Accounting Officer and Corporation Sole, and 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 the Commissioner's office
- will, where asked, provide the Department and other relevant bodies with Regulatory Compliance Reports and other similar reports which departments may request at the commencement of the audit and which are compatible with the independent auditor's role.

9.2 The C&AG may carry out examinations into the economy, efficiency and effectiveness with which the Commissioner has used its resources in discharging its functions. For the purpose of these examinations, the C&AG has statutory access to documents as provided for under the National Audit Act 1983, section 8. The Commissioner 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.

10. Managing Public Money and other government-wide corporate guidance and instructions

10.1 The Commissioner will follow the standards, rules, guidance and advice in Managing Public Money and any updates to that guidance on the spending of public money, unless otherwise agreed by the Department and, as necessary, HM Treasury, referring any difficulties or potential bids for exceptions to the Department in the first instance.

10.2 The Commissioner should comply with the Government Estate strategy and undertake to abide by any new rules or standards whilst maintaining the independence of the Commissioner.

10.3 The Commissioner will continue to seek efficiency savings and seek innovative solutions to reduce premises costs, support costs, and systems with the Department.

11. Business planning and performance measurement

11.1 The Commissioner has decided to develop a high-level strategy for business planning and performance measurement. The strategy will support the identification of strategic priorities and the development of the annual business plan.

11.2 Before publishing a business plan the Commissioner will consult in line with the requirements set out in the Children Act 2004. Following consultation, the Commissioner will publish a business plan, detailing proposed strategic priorities for that. As part of that process, the business plan will be provided to the Department and any other relevant government departments for comment. Approval of the plans is not required. The agreed business plan should be published by the Commissioner on its website and made available to staff.

11.3 The Commissioner has decided to design a performance measurement reporting system that should measure outcome and impact.

12. Risk management

12.1 The Commissioner must develop a risk management strategy in accordance with the Department's *Risk Management Policy and Guidance*, and the HM Treasury guidance, *Management of Risk: Principles and Concepts* (the Orange Book).¹ The Commissioner shall ensure that effective arrangements are in place to provide assurance on risk management, governance and internal control and should set up an Audit and Risk Committee chaired by an independent appointee to provide independent advice, and should assure itself of the effectiveness of the internal control and risk management systems.

12.2 The Commissioner should adopt and implement policies and practices to safeguard itself against fraud and theft, in line with *Managing the Risk of 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 with or give grant or grant-in-aid to.

12.3 The Commissioner has decided to ensure that periodic reviews take place of risk management by the relevant Boards, Committees and internal audit.

13.

13.1 The Commissioner shall identify and implement opportunities for improving value for money. *Managing Public Money* deals with the responsibilities of the Accounting Officer and under 3.3.3 states, 'value for money: ensuring that the organisation's procurement, projects and processes are systematically evaluated and assessed to provide confidence about suitability, effectiveness, prudence, quality, good value and avoidance of error and other waste, judged for the public sector as a whole, not just for the accounting officer's organisation'.

14. Budgeting procedures

14.1 Each year the Department will send to the Commissioner by 31 March, as part of the annual resource allocation letter:

¹ http://www.hm-treasury.gov.uk/psr_governancerisk_index.htm

- a statement of any planned change in policies affecting the Commissioner
- a formal statement of the annual budgetary provision allocated by the Department.

14.2 The Commissioner has decided to develop and implement a time-bound budget setting process.

14.3 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.

14.4 Funding should be phased through the year in instalments designed to echo the Commissioner's expenditure pattern. In this way the Children's Commissioner need not 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. The Commissioner 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 the Children's Commissioner. This total shall not exceed 2% of total annual grant-in-aid.

14.5 The Commissioner shall comply with Treasury guidance that prevents any more than 2% being carried forward. Grant-in-aid not drawn down by the end of the financial year shall lapse. Subject to approval by Parliament of the relevant Estimates provision, where grant-in-aid is delayed to avoid excess cash balances at the year-end, the Department will make available in the next financial year any such grant-in-aid that is required to meet any liabilities at the year end, such as creditors.

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

15. Income

15.1 The Commissioner may receive income from sources, other than the Department, on condition that it shall have determined any fees or charges for any services supplied by them in accordance with the Treasury's *Fees and Charges Guide*; shall adhere to relevant state aid Regulations; and shall provide the Department with such information on other income as the Department may reasonably require

16. Reporting and providing monitoring information to the Department

16.1 The Commissioner shall operate management information and accounting systems that enable it to review, in a timely and effective manner, its financial and non-financial performance against the budgets and business plans. The Commissioner shall inform the Department of any changes that make achievement of their business plan more or less difficult. The Commissioner shall provide the Department with information monthly that will enable the department satisfactorily to monitor:

- the Commissioner's cash management
- its draw-down of grant-in-aid
- C + Pack forecast outturn by resource headings
- other data required for the Combined On-line Information System

16.2 The Commissioner should ensure that systems are designed and fit for purpose to support good financial management and budgetary control.

16.3 The Commissioner should ensure that reliable, timely, accurate, and complete reporting is designed and embedded into the culture.

16.4 The Commissioner should ensure that all staff are fully trained on financial procedures and the use of system to support the delivery of the strategic objectives.

17. Repayment of expenses

17.1 The Commissioner has decided that the repayment of business-related expense will be made on a monthly basis. Expense claims must be supported by valid receipts, authorised in line with the scheme of delegation, and be fully compliant with the financial procedures and efficiency controls in place.

17.2 The authorisation of the Commissioner expenses is set out in the OCC's scheme of delegation.

18. Delegated authorities

18.1 The Commissioner's delegated authorities are set out in the letter issued to him/her on appointment. The Children's Commissioner shall, in a timely manner, obtain the Department's prior approval before:

- entering into any undertaking to incur any expenditure that falls outside the delegations or which is not provided for in the Commissioner's annual budget as approved by the Department
- incurring expenditure for any purpose that is, or might be, considered novel or contentious, or which has or could have significant future cost implications, examples of which are included in Chapter 2.3.4 of *Managing Public Money*

- 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

carrying out policies that go against the principles, rules, guidance and advice in *Managing Public Money*.

19. Procurement

19.1 The Commissioner shall ensure that its procurement policies are aligned with, and comply with, any relevant EU or other international procurement rules and in particular the Public Contracts Regulations 2015. The Commissioner 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.

19.2 In procurement cases where the Commissioner 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 Department. Goods, services and works should be acquired by competition unless there are convincing, documented, reasons to the contrary. Proposals to let single-tender or restricted contracts shall be limited and exceptional. The Government Procurement Service offers frameworks for procurement, which Commissioner can benefit. The website includes guidance on how to call-off the different frameworks.²

20. Children's Commissioner's staff

20.1 In accordance with Schedule 1 of the Children Act 2004, the Commissioner may appoint any staff considered necessary to assist in carrying out his/her functions. Staff are not to be regarded as servants of the Crown and are not classified as Civil Servants. The Commissioner has responsibility for the recruitment, direction, retention and motivation of staff. The Commissioner will ensure staffing decisions are in line with any Civil Service labour market controls, which may be in place (see section on Efficiency Controls at Annex 1). The Commissioner will ensure that the creation of any new posts does not incur forward commitments that will exceed its ability to pay for them.

21. Pay and conditions of service

21.1 The terms and conditions for the Commissioner's staff will be determined by the Commissioner in consultation with the Department. The Commissioner will be responsible for his /her own pay bargaining and will have responsibility for authorisation of the pay systems for his/her staff. The Commissioner must

² http://www.buyingsolutions.gov.uk/index.html?slis_checked=1

prepare pay bargaining remit proposals in line with overarching Government policy and consult the Department and Treasury before pay negotiations begin.

21.2. The Commissioner shall operate a performance-related pay scheme that 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. Any proposal to award performance payments must be approved by the Department.

21,3 The Commissioner has decided to appoint a Subcommittee of the Audit and Risk Committee. A Chair will be nominated from the Audit and Risk Committee to provide scrutiny, challenge and oversight on pay and rewards.

22. Pensions, redundancy and compensation

22.1 Pension arrangements will be prepared in line with the Principal Civil Service Pension Scheme (or Alpha from April 2015) arrangements. Any proposal by the Commissioner to move from the existing pension arrangements or to pay any redundancy or compensation for loss of office outside general arrangements agreed between the Department and the Commissioner requires the Department's approval. Proposals on severance must comply with the rules in Chapter 4 of Managing Public Money. Details of the terms and conditions of pension arrangements for Commissioner's staff shall be set out in its Employee Handbook, issued to all new staff on appointment.

22.2 The Commissioner's broad responsibilities toward staff are to ensure that:

- the rules for recruitment and management of staff create an inclusive culture in which diversity is fully valued; appointment and advancement is based on merit; there is no discrimination on grounds of gender, marital status, sexual orientation, race, colour, ethnic or national origin, religion, disability, community background or age
- the Commissioner has decided to give staff access the Civil Service Job Portal to support and enable staff to take advantage of secondment opportunities and career progression.
- the Commissioner has decided to place staff deemed 'surplus' in the priority movers pool in order that they have early sight of redeployment opportunities across the Civil Service.
- 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

- the performance of its staff at all levels is satisfactorily appraised and the Commissioner's performance measurement systems are reviewed from time to time
- its staff are encouraged to acquire the appropriate professional management and other expertise necessary to achieve the objectives';
 - a) proper consultation with staff takes place on key issues affecting them
 - b) adequate grievance and disciplinary procedures are updated following the OCC Governance Review of 2014 which are communicated to staff
 - c) whistle-blowing procedures consistent with the Public Interest Disclosure Act are in place
 - d) a code of conduct for staff is in place based on the Cabinet Office's Model Code for staff of Executive Non-departmental Public Bodies.³
 - e) a staff survey is undertaken twice yearly in order to foster a culture of trust and mutual respect to support continuous improvement and good workforce management
 - f) undertake 360 degree appraisals of the Senior Management Team on an annual basis.

22.3 The Commissioner shall comply with the EU Directive on contract workers, the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002. Whilst there is no longer a requirement for the Commissioner to produce an equality scheme, the Commissioner shall develop plans to meet their obligations and to comply with the new Public Sector Equality Duty in the Equality Act 2010.

23. Better regulation, consultation and impact assessments

23.1 The Commissioner shall follow the Government's commitment to efficient and effective regulation, and the Government's Code of Practice on consultation and comply with the Government's Better Regulation agenda and the Principles of Good Regulation.

24. Security

24.1 The Commissioner is required to provide a risk-based report on information risk as Senior Information Risk Officer (SIRO) and quarterly updates to the Department in support of the Permanent Secretary's principle accountability for physical security, information assurance and business continuity arrangements across the Department. The Commissioner has

³ <http://www.civilservice.gov.uk/modelcode>

decided to ensure an annual review of information governance is undertaken by internal audit and recommendations arising from the review will be implemented on a timely basis. The Commissioner may ensure protecting information training is completed by all staff annually.

24.2 The Commissioner should ensure that the staff recruitment and resource management supports the effective management of information governance. The Commissioner should ensure that effective arrangements are in place supported by the Department's Departmental Security Unit to review the collection, retention, storage, and disposal of data on an annual basis with particular regard to the collection of data undertaken internally by staff.

24.3 The Commissioner should ensure that Third Party Suppliers who collect data on behalf of the Commissioner are subject to the appropriate control checks as set out by the Security Policy framework (SPF) 2014 from Cabinet Office.

24.4 The Commissioner should ensure that procurement contracts are reviewed on a regular basis to ensure they are current and compliant with the Department's policies and procedures for protecting information.

24.5 The Commissioner shall ensure that it is compliant with each of the requirements of the HMG Security Policy Framework, except where the non-applicability of an individual SPF requirement to the Commissioner has been formally agreed with the Department's Departmental Security Officer (DSO). Where work to achieve compliance with any of the requirements of SPF is still in progress this shall be reported to the Department's DSO, and any significant risks associated with this non-compliance shall be visible to, and accepted by, the Commissioner's as SIRO.

24.5 When handling any protected personal data, the Commissioner shall ensure that he/she 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*. The Commissioner shall also ensure that its delivery partners and third party suppliers are aware of, and charged with adherence to, any applicable requirements from IA Standard no.6. Any significant security incidents (and all security incidents involving protected personal data) affecting the Commissioner shall be immediately notified to the Department's DSO.

25. Freedom of Information

25.1 The Freedom of Information (FOI) Act 2000 places a requirement on public bodies, including NDPBs, subject to certain exemptions, to make available information they hold to the general public either proactively (within the 'publication scheme') or upon written request. The Commissioner, as a public authority for the purposes of the FOI Act, is responsible for answering its own FOI requests. The Commissioner should make available on its website its publication scheme and take steps to ensure that information is published in accordance with it.

26. Information management and security

26.1 The Data Protection Act provides a framework to ensure that personal data (i.e. any information from which a living individual can be identified) is handled properly. Under the Act, the Commissioner, listed or designated as public authority for the purposes of the Act, will be a data controller, need to register with the Information Commissioner and be governed by the Data Protection Act. In processing personal data the Commissioner must comply with the eight data protection principles. The Commissioner should make available on its website its policy on data protection. The Commissioner shall ensure 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.

27. Sustainable development and greenhouse gas reduction

27.1 Sustainable development (SD) is a crosscutting theme integrating economic, social and environmental policy across government. All government departments and NDPBs are required to take action to significantly reduce their impact on the environment: reducing greenhouse gas emissions; reducing and managing waste; reducing water usage and making procurement more sustainable. The Commissioner should embed the principles of sustainable development into operational practices.

28. Arrangements in the event that the Children's Commissioner's Office is wound up

28.1 The Department shall put in place arrangements to ensure the orderly winding up of the Commissioner. In particular it should ensure that the assets and liabilities of the Commissioner 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:

- ensure that procedures are in place 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;
- specify, the basis for the valuation and accounting treatment of the Commissioner's assets and liabilities;
- ensure 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

- 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 Accounting Officer should sign the closing accounts. In the event that the Department inherits the role, responsibilities, assets and liabilities, the Department's Accounting Officer should sign.

28.2 The Commissioner shall provide the Department with full details of all agreements where the Commissioner 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 the Commissioner.

Appendix 1

List of delegated limits

Capital – single project or acquisition	20% of own Capital Resource budget
Single grant or Loan to third party	£50,000
Special payments	see Point 2
Gifts	see Point 3
Disposal of Surplus Equipment	see Point 4
New Efficiency Controls	see Point 5

Limits that the Secretary of State has specified to the Commissioner authority to:

1. write-off losses
2. make or sanction special payments
3. give gifts

1. The Commissioner shall have the personal authority to write off losses, up to a limit of £1,000 for an individual claim, within a total ceiling for write-offs in any one financial year of £10,000 as per the following table. The table groups losses into categories to help decide how individual cases should be handled.

Type		Description
A		Losses
	i	cash losses: physical losses of cash and its equivalents (e.g. bank notes, credit cards, electronic transfers, payable orders)
	ii	Bookkeeping losses: because of unvouched or incompletely vouched payments, including cases where vouchers are missing
	iii	Exchange Rate Fluctuations: losses due to fluctuations in exchange rates or revaluations of currencies
	iv	Losses of pay, allowances and superannuation benefits paid to employees of non-departmental public bodies: <ul style="list-style-type: none"> • overpayments due to miscalculation, misinterpretation, or missing information • unauthorised issues e.g. inadmissible payments
B		Losses of accountable stores
	i	proven or suspected fraud, theft, arson or sabotage, or any other deliberate act (including repairable damage caused maliciously to buildings, stores, etc. even where a legal claim is not possible)
	ii	losses arising from other causes
C		Fruitless payments and constructive losses

2. The Commissioner shall also have the personal authority to make special payments up to a limit of £1,000 for each case within a total limit of £10,000 in any one financial year as follows:

- a. Extra-contractual payments which, although not legally due under a contract, appear to be obligations which the courts might uphold

- b. Ex gratia payments which, although not legally due under a contract, are payments reasonably expected under a contract and without which personal hardship would result
- c. Ex gratia payments made to avoid personal hardship which might otherwise result from official failure and inadequacy.

3. The Commissioner should have a policy on the acceptance of gifts, hospitality, awards, prizes or any other benefit which might be seen to compromise their personal judgement or integrity and ensure that all staff are made aware of this. Where such benefits have been received they should be recorded in a register detailing the nature of the benefit and the donor, in case of later complaint. The Commissioner may make gifts of a trivial or inexpensive nature such as mugs and pens bearing the Commissioner name and/or logos. Similarly, for promotional purposes, small value items such as gift tokens, CDs may be used as prizes for external competitions. Gifts/vouchers to staff are generally inappropriate other than as part of a recognised non-pay reward scheme.

The Commissioner may agree to give assets bought for a proper purpose but which are no longer needed for the conduct of its business to a registered charity, provided that no member or senior employee of the Commissioner has any interest in or connection with the charity and provided that neither the written down value nor the market value of the asset exceeds £250.

Efficiency Controls

The Coalition Government put measures in place from 2010 to control spending across Departments and Arm's Length Bodies. These controls are likely to remain in place until 2015.

The OCC is not exempt from these controls, but given its independent status a number of exemptions have been agreed, as follows:

- External recruitment: All non-contentious external recruitment can be authorised by the Commissioner. This replaces the requirement to seek approval from the Department to recruit from outside the civil service/public sector;
- Procurement: a 'procurement delegation will not be applicable, meaning that the OCC will no longer need to seek agreement to purchase goods and services, subject to its adherence to the necessary financial controls;
- Advertising and Marketing: the OCC will submit a year-plan which provides an overview of anticipated spend, which will enable approval to be given upfront and require no further recourse to the Department. Where the need for reactive or unplanned communications arises, OCC will present a business case for any necessary further expenditure.

NB As the OCC sets its own priorities and activities, the criteria for approving expenditure on advertising and marketing as set out in Cabinet Office guidance should be read as “the OCC” in place of “Government”, as follows:

Only expenditure on the following essential activity will be approved:

- ***where the OCC has a legal duty to provide people with information about the work of the OCC and its remit, or when requested for information connected to changes to legislation or public services;***
- ***where marketing and advertising is critical to the effective running of the OCC; and***
- ***where there is robust evidence that marketing and advertising delivers measurable outcomes that meet OCC objectives.***

Subject to the exemptions above, OCC must otherwise adhere to the efficiency controls set out below. Departments have to report regularly to the Efficiency and Reform Group (ERG) at Cabinet Office on spend in their Departments and the ALBs they sponsor. There is a process for reviewing exceptions which depending on the type and level of spend require Departmental senior management or Ministerial clearance. Detailed guidance is available at:

<https://www.gov.uk/government/publications?departments%5B%5D=efficiency-and-reform-group>.

6. Spend is controlled in the following key areas. However, the expectation is that any requests to spend over these limits will be considered on the merits of each case and take account of the importance of the Commissioner not being constrained in fulfilling his or her function of promoting and protecting children’s rights:

Activity	Control
Recruitment and temporary staff	There is a freeze on external recruitment and the use of interim and agency staff. Any exceptions must be cleared via People and Change Group.
Strategic Supplier management and complex commercial models	Cabinet Office lead on the Crown’s behalf, relationships with key suppliers. Contracts over £5m are reviewed by Cabinet Office.
Advertising and marketing	Spending on advertising and marketing is controlled. Spend over £100k has to be approved by Cabinet Office.
ICT	ICT spend is controlled. Spend over £5m need Cabinet Office approval. ICT Spend has to be approved by the ICT Review Group as the first stage.
Consultancy	Consultancy spend is strictly controlled and reported.

	Spend over £20k has to meet specific criteria and be approved by Cabinet Office prior to initial engagement. Contracts are reviewed at 3.6, and 9 month intervals with an expectation that they will not extended beyond this point. Exemptions are reviewed by Finance and Commercial Group as the first stage.
Property	There is a moratorium on new property acquisitions, property leases and lease extensions over £100k. Any exceptions to the moratorium must be cleared with the Government Property Unit, and Finance and Commercial Group, as the first stage.
HR/Learning and Development	All generic training should be sourced through Civil Service Learning. Contracts over £10,000 will require clearance through the CSL Gateway process. Redundancy schemes have to be approved by Cabinet Office.
Procurement	All procurements are subject to stringent value for money appraisal. Approved Government frameworks should be used. All procurements need to be cleared with Finance and Commercial Group.
Major Projects	The Cabinet office's Major Projects Authority oversee large projects. The Department's Major Projects Team advise and steer large projects through the approvals process.
Operational Excellence	ICT spend on administrative systems over £1m require Cabinet office approval.
Moving Services Online and ID Assurance	Departmental digital services must comply with the Government's digital services strategy, and assured through the Government Digital Service. Digital services must be aligned with Cabinet Office's Identity Assurance Strategy.

© Crown copyright 2012

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or e-mail: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.