



Statutory Guardian Committee Terms of Reference

Purpose

To provide strategic oversight and advice to the Secretary in relation to children and young people subject to, or at the cusp of, orders under the *Children, Young Persons and Their Families Act 1997 (CYPFA 1997)* where the Secretary holds custody and/or guardianship.

Authority

The Committee works with the Secretary to ensure guardianship responsibilities are being met for the care of children pursuant to Section 69 of the *CYPFA 1997*.

The Committee supports the Secretary's responsibilities under section 34 of the *State Service Act 2000* to ensure that the Department for Education, Children and Young People (DECYP) is operated as effectively, efficiently, and economically as is practicable.

Advice / recommendations made by the Committee are by consensus of a quorum of members. Where consensus cannot be reached, the Chair reserves the right to decide the matter.

Where required by Legislation, Treasurer's Instruction or Delegated Authority, recommendations will be approved by the Secretary or the Minister.

Functions

The Statutory Guardian Committee functions are:

- **Monitoring and oversight to:**
 - ensure the Guardian knows the young people in his care (including monitoring the outcome of complicated wellbeing in care concerns)
 - ensure delegated guardianship responsibilities are being adequately delivered by the operational services with clear performance expectations set.
 - inform and drive improvement.
 - endorse significant changes to the agreed standard of practice and procedure that directly impacts children in Out of Home Care, and relates to the discharge of the Guardian's statutory functions.
 - oversee complaints and complaints process relating to children and young people in this cohort.
- **Actively listening to the child by:**
 - ensuring the individual voices of children and young people are heard and acted upon.
- **Supporting the Secretary to be an active Guardian by:**
 - engaging with the children in Out of Home Care.

- regular communication and clear avenues for children to contact their Guardian.
- ensuring that children in Out of Home Care are known and recognised for their success and achievements.
- **Understanding young people (with a focus on those at greatest risk).**
- **Responding to the needs of individual children and young people so:**
 - immediate, exceptional, and unmet needs are met.
 - wellbeing in care concerns are addressed.
 - matters can be escalated to the Secretaries' Care Team as appropriate.
 - decisions made by the Secretaries' Care Team are delivered and monitored.
- **Identifying the needs of cohorts of children and young people and developing recommendations that:**
 - inform strategies to address systemic gaps or barriers (for example establishment of Care Teams approach).
 - drive or contribute to whole-of-government/interagency collaboration.
- **Reviewing and triaging recommendations from internal reviews and those made by third parties regarding children under the custody and/or guardianship of the Secretary (eg Coroner, Children's Commissioner, Social Research, Commission of Inquiry, Auditor General) to inform a position for response and action.**
- **Commissioning of project and policy development from Executive Committees.**

Membership

- Secretary (Chair)
- Executive Director, Services for Children and Families (Deputy Chair) (Exec Director is also Safety and Wellbeing of Children and Young People Executive Committee representative to ensure connection between the work of the two committees).
- Director, Business Improvement – Children and Families
- Director, Operations – Children and Families
- Child Advocate
- Director, Data, Systems and Insights
- Director, Community and Custodial Youth Justice
- Director, Student Support

Chairing of meetings

In the absence of the Chair, the Deputy Chair will chair meetings.

Proxies

Proxies are not permitted unless officially acting in a role. Observers attending on behalf of an absent member have no voting rights. Proxies must be suitably briefed prior to the meeting.

Other participants

Where agreed by a member, other persons may participate in particular Statutory Guardian Committee proceedings / activities. However, such persons do not hold voting rights.

Quorum

The quorum for Statutory Guardian Committee meetings will be half of the members plus one. Proxies are included in the determination of a quorum. In the absence of a quorum the meeting may proceed at the Chair's discretion with any items requiring decision to be deferred to the next meeting or circulated to members as an out-of-session item.

Subordinate Groups

The Chair has the authority to create relevant sub-committees or subordinate groups as deemed necessary to assist the Committee in discharging its responsibilities. These groups may be established to investigate or progress specific issues and may be time limited or ongoing.

Terms of Reference, including membership, reporting arrangements and sunset arrangements must be specified at the time of establishment and periodically reviewed. All subordinate groups must report to the Statutory Guardian Committee through their respective Chairs.

The Statutory Guardian Committee Secretariat coordinates communication between the Committee and subordinate groups.

Approved subordinate groups, which may change from time to time.

Member Behaviours and Duties

The State Service Principles outlined in section 7 of the *State Service Act 2000* and good governance principles guide the deliberations of participation on the Statutory Guardian Committee. Members, proxies, and guests are to demonstrate a shared commitment to:

- Leadership – model leadership behaviours that are consistent with the DECYP values and create a culture of excellence and continuous learning.
- Accountability – acknowledge their responsibility to adhere to legal frameworks and act impartially, ethically and professionally.
- Transparency / clarity – increase visibility of Statutory Guardian Committee's role, decisions, and outcomes.
- Integrity – act ethically, impartially and in the best interests of children and young people.
- Stewardship – ensure the best use of resources to further the aims of DECYP in an economical, efficient and effective manner, and respond effectively and in a timely way to community and stakeholder expectations.

Underpinning the work of the Statutory Guardian Committee is a commitment to:

- Consider how the voices of children and young people inform their work.
- Consider the specific needs of children and young people in Out of Home Care and their diverse needs.

Communication and reporting

Minutes will be provided to the Committee.

At the direction of the Chair, outcomes of Committee meetings will be communicated appropriately to stakeholders.

The Committee will refer matters to other areas of the Agency for action and response.

Decisions relating to an individual child or young person will be saved on their CPIS file.

The Statutory Guardian Committee receives standing reports as outlined below, in addition to any items requested by the Chair.

Report	Frequency, Month	Responsible / coordinating area

Performance

The Statutory Guardian Committee will develop a work plan linked to areas of focus which will evolve and change over time. The Committee will provide a copy to the Board for their interest.

Confidentiality and Privacy

Members of the Statutory Guardian Committee may receive information that is classified as Cabinet-in-confidence, commercial-in-confidence, audit-in-confidence, clinically confidential, sensitive, or have privacy implications.

Members, proxies, and other participants acknowledge their responsibility to adhere to legal and ethical confidentiality frameworks and maintain confidentiality of all information.

Meeting Protocols and Secretariat

Meeting schedule

The Committee meets at least monthly or as convened by the Secretary.

Accessibility

DECYP is committed to ensuring accessible workplaces. This may include the provision of virtual meeting options and ensuring that meeting venues are accessible and appropriate for all Committee members and participants.

Out-of-session items

Items can be managed out of session by the Secretariat, with the approval of the Chair, where the item is urgent and must be considered before the next scheduled meeting to enable business to be progressed. Matters for decision / endorsement out-of-session require a quorum and must be recorded as an out-of-session minute at the next meeting of the Statutory Guardian Committee

Secretariat

Secretariat support functions for the Committee (including ensuring appropriate records are maintained in Content Manager) will be provided by Services for Children and Families.

Business Rules

The Statutory Guardian Committee will operate in accordance with the approved Business Rules at Appendix A.

Revision history

Version	Date of approval	Nature of amendment
V1.0	16 August 2023	Approved first version
V2.0	30 August 2023	Approved second version

Appendix A – Business Rules

These Business Rules apply to the Statutory Guardian Committee and, where relevant, any subordinate groups.

A. Governance Pathway

All agenda items must:

- be within the purpose and functions stated in the Statutory Guardian Committee Terms of Reference
- have high-level implications.
- be beyond the delegation or functional remit of an individual Committee member **and / or** require the collective input and consideration of Committee members.

Process for progression or referral:

- The above criteria will be used by the Secretariat to assess the most appropriate pathway and guide referrals to other committees where appropriate.
- If an item does not meet the defined criteria, the Secretariat will refer the item to the requesting member who may refer it back to the relevant individual / committee / working group. For example: items relating to requests for additional budget should be referred to the Budget Committee.

All agenda item papers must:

- be well supported by appropriate consultation, including collaboration with other Portfolios, committees, and stakeholders as relevant.
- contain accurate, evidence-based information to enable informed decision-making.
- be cleared by the relevant Statutory Guardian Committee member.

B. Agenda and Meeting Papers

- The Chair will clear the upcoming agenda and previous minutes, three (3) to five (5) business days prior to the next meeting.
- Agenda item proposals must be submitted through a member to the Secretariat at least (five) 5 full business days prior to the meeting.
- Papers to the Statutory Guardian Committee must be submitted through a member.
- Using the appropriate template, Papers relating to agenda items must be provided to the Secretariat no later than five (5) business days prior to the meeting. This is to provide enough time for Committee members to read and consider the papers. The subject heading of the email should clearly identify the email as being for a Statutory Guardian Committee meeting.
- The agenda and previous minutes, must be distributed to the members, together with relevant papers, no later than three (3) business days prior to the meeting.
- Members may receive information that is regarded as confidential or having privacy implications. At their discretion, they may elect to further distribute these papers through appropriate internal processes.
- Late agenda items or tabled papers may be accepted at the discretion of the Secretariat or Chair.
- If matters are raised verbally during a meeting, it must be clear:

- what the context is,
- whether it's for discussion or decision,
- what the outcome is that you are seeking.

Minutes will be taken to capture the discussion/outcome/action in the absence of a paper.

C. Out-of-session Papers

- By exception, the Chair may approve that an item can be managed out of session, in which case the member must use the appropriate paper template and provide this to the Secretariat.
- The member proposing the out-of-session paper must ensure all members are appropriately briefed.
- It is the preference of the Committee that any urgent out of session matters are dealt with by a short meeting.
- Matters for endorsement out of session will require a quorum.
- Responses will be collated by the Secretariat and given to the Chair for endorsement.
- Out-of-session matters will be recorded as an out-of-session minute at the next meeting.

D. Minutes and Communicating Decisions

- The Secretariat will record and maintain the minutes and actions of each meeting.
- Draft minutes will be distributed to all members at least three (3) business days prior to the next meeting. [Members can request updates to the Minutes, and these can be discussed if required at the next meeting when the Minutes are ratified.]
- Authors and clearers of meeting papers will be notified of the draft outcome / decision as soon as possible after the meeting, including to confirm the accuracy of the recorded outcome (if they were present at the meeting).
- Members are responsible for distributing minutes within their teams as appropriate.
- The minutes will be taken as draft until approved at the next meeting.
- Decision made about individual children and young people will be recorded in their CPIS files.

E. Roles and Responsibilities

In addition to general behaviours and duties outlined in Section 7 of the Terms of Reference:

Chair will:

- ensure meetings are conducted in a timely, efficient, professional, and respectful manner.
- ensure agenda items are covered on time to respect the time commitment of members, and staff scheduled to present future agenda items.
- lead and encourage relevant discussion on items.
- define agreed actions and outcomes (ensuring there is clarity on the decisions that should be recorded in the meeting Minutes).
- ensure conflicts of interest and privacy, confidentiality matters are addressed.

Members will:

- attend and actively participate in all scheduled meetings, as leaders, rather than technical experts.
- contribute to the Statutory Guardian Committee work plan and agenda for each meeting by identifying areas of focus.
- read and review papers prior to meeting.
- engage in open and constructive conversations about issues discussed by the Statutory Guardian Committee.
- in expressing their views, members are to be mindful of acting in the best interests of DECYP as a whole.
- share and disseminate information from meetings, as appropriate, with broader teams.
- address assigned action items raised during meetings within the agreed timeframe.
- seek approval through the Secretariat for employees or guests to attend to present or support a presentation.
- if unable to attend, advise the Secretariat of the name of the proxy attending on their behalf (who is briefed on current activities) prior to the meeting.

Secretariat will:

- prepare a work plan and meeting schedule.
- coordinate, prepare and issue meeting documentation e.g., agenda, minutes, papers.
- maintain and update related documents as required e.g., actions register, conflicts of interest register, and ensure records are kept in accordance with relevant Retention and Disposal Schedules.
- ensure members are provided with timely access to information.
- coordinate induction of new members in consultation with the Chair, including:
 - providing copies of the Terms of Reference, Business Rules, previous minutes, and current actions registers
 - scheduling an induction meeting with the Chair and/or Secretariat
- coordinate the periodic self-assessments of the Statutory Guardian Committee against the Terms of Reference, and any external review of the Committee's effectiveness.

F. Conflicts of Interest

- To meet the ethical obligations under the *State Service Act 2000*, committee members and proxies must declare any potential, actual or perceived conflicts of interest and manage those in consultation with the Chair.
- Conflicts of interest may relate to a position a member holds or to the content of a specific item for deliberation.
- The Chair will determine if the member is to be excused from the relevant item and/or meeting.
- The Secretariat will record any declaration of conflict of interest in the minutes of the relevant meeting.

Guidance on managing conflicts of interest can be found on the [Ethical Conduct Framework](#) intranet page.

G. Record Keeping

The Secretariat will prepare and maintain an electronic corporate record on Content Manager of committee activities such as agendas, minutes, related papers and out-of-session papers.

Records are to be kept in accordance with the [Records Management Policy](#).

