



## **The Office of the Children's Commissioner for Jersey**

### **Audit & Risk Advisory Panel (ARAP)**

#### **Terms of Reference**

#### **The Office of the Children's Commissioner for Jersey**

The Office of the Children's Commissioner for Jersey (OCCJ) was established under the Commissioner for Children and Young People (Jersey) Law 2019. The Office's primary function is to promote and protect the rights of all children under 18 in Jersey, as well as the rights of certain groups of young people aged 18 to 25 years. These latter groups are young people with care experience, young people with disabilities and young people in detention.

The OCCJ has a statutory duty to ensure good governance and management of its resources. To assist with this, the Office must establish a number of advisory panels. These include an Adult Advisory Panel, an Audit and Risk Advisory Panel and a Youth Advisory Panel.

The establishment of the Audit and Risk Advisory Panel is covered in the Commissioner for Children and Young People (Jersey) Law 2019, Part 5, Article 27. This Panel must consist of adults (aged 18 or over) who represent a broad range of interests that are relevant to audit and risk management and are able to provide the Commissioner with advice and assistance relating to the appointment of auditors under paragraph 13 of the Schedule accompanying the Commissioner for Children and Young People (Jersey) Law 2019.

The Law requires that the Commissioner must determine and publish:

- the criteria and process for appointment to the Panel;
- the terms and conditions applying in respect of an appointment; and
- the Panel's procedures.

The following Terms of Reference fulfil this requirement in respect of the Audit and Risk Advisory Panel.

<b>Purpose</b>
The Commissioner for Children and Young People (Jersey) Law 2019 Part 5 Article 27 states that the Commissioner must appoint an Audit and Risk Advisory Panel to provide the Commissioner with advice and assistance in relation to:



- the use of resources by the Office of the Children's Commissioner;
- the management of risk by the office; and
- the governance of the Office.

The Panel will advise the Children's Commissioner by reviewing the comprehensiveness and reliability of assurance on governance, risk management, the integrity of financial statements and the annual report. To do this they will advise, as appropriate, on: -

- The strategic processes for risk, control and governance together with the Governance Statement required for inclusion within the annual accounts.
- The accounts, and the annual report of the Office.
- The planned activity and results of both Internal and External Audit. Frequency of audit will be determined by the C&AG.
- The adequacy of the Office's response to issues identified by audit activity.
- Processes for reviewing policies relevant to internal governance.
- The Panel will also periodically review its own effectiveness and report on the results.

## **Membership and Criteria for Appointment**

### **Criteria for Membership**

#### Experience, Knowledge and Skills

- With a view to achieving a balance and range of experience, knowledge and skills across the Audit and Risk Advisory Panel, the following criteria apply when appointing new members to the Panel.
  - Knowledge of the role, remit, powers and duties of the OCCJ as defined in legislation.
  - A track record of strategic or operational performance to support financial management, auditing and/or risk management.
  - Knowledge of the financial and regulatory context in Jersey.
  - Proven knowledge and experience of engagement with public policy making, legislative change or public affairs (desirable but not essential).

### **Appointment Process**

- Applications for membership will be advertised by the OCCJ via its website, social media platforms.
- Applicants are required to submit a brief application that includes a short CV of relevant



expertise and experience, as well as the rationale for seeking appointment.

- If a surplus of applications is received, the OCCJ will conduct a selection process based on the criteria set out above and requirements for achieving a balance of knowledge and expertise on the Panel. This will be done in consultation with existing or prior members of the Audit and Risk Advisory Panel.
- If insufficient applications are received, the OCCJ may approach individual organisations and/or individuals with a view to achieving a balanced Panel.
- Prior to appointment, the Commissioner will meet on a one-to-one basis with applicants.
- Appointment is by formal invitation from the Commissioner.

#### **Membership**

- The Panel will comprise of at least three but no more than five members. Panel members must not be employees of the Government through the States Employment Board nor States Members.
- The Panel must consist of persons who (taken together) have a broad range of experience relevant to audit and risk management.
- The Panel may, in exceptional circumstances, co-opt additional members for a period not exceeding a year to provide specialist skills, knowledge and experience; or procure specialist ad-hoc advice subject to budgets agreed by the Children's Commissioner.
- The Commissioner may, from time to time, also ask individual Panel members to advise on strategic and other matters relating to her remit. In such circumstances the members may not under any circumstances act for the Children's Commissioner in an executive or managerial capacity.

#### **Conduct of the Audit and Risk Advisory Panel**

- Panel Members will conduct themselves in accordance with the Seven Principles of Public Life (the 'Nolan Principles') in discharging the functions of the Panel.
- Panel positions are not remunerated, and members will give their time pro bono. Expenses incurred as a member will be reimbursed on proof of having been incurred in the fulfilment of business for the Advisory Panel. All expenses claims must comply with the regulations contained in the OCCJ's published Financial Procedures.
- A member of the Advisory Panel may at any time, and in writing, stand down from the



<p>Panel by giving three months' notice of the intention to leave.</p> <ul style="list-style-type: none"> <li>• If the Commissioner deems it necessary to remove an Advisory Panel member – in the unlikely event that such an issue should arise, as a result of exceptional circumstances and only on the grounds of firm evidence – the Commissioner will write to the individual concerned stating, in detail, the reasons for terminating membership, and allowing 20 working days for the member to respond in writing.</li> </ul>
<p><b>Conflict of Interest</b></p>
<ul style="list-style-type: none"> <li>• Where any potential conflict arises between a member's role on the Audit and Risk Advisory Panel and any other professional, personal or voluntary activities or commitments, this must be declared by the member at the earliest possible opportunity.</li> <li>• Panel members will not be contracted or commissioned for work by the OCCJ. Should a member wish to be considered for such work or be requested by the OCCJ to undertake paid work, they must remove themselves from the Panel for the duration of the project. This is to maintain the independence of Panel members in their fulfilment of either role.</li> </ul>
<p><b>Indemnity of Panel Members</b></p>
<ul style="list-style-type: none"> <li>• The Advisory Panel is not accountable for the policies, financial or other management affairs of the OCCJ.</li> <li>• Individual members of the Advisory Panel carry no personal liabilities or risks for the work, policies or positions of the OCCJ.</li> </ul>
<p><b>Conduct of meetings and attendance expectations</b></p>
<ul style="list-style-type: none"> <li>• The Panel will meet at least 3 times per annum. Dates will be published a year in advance and not subsequently changed unless in exceptional circumstances. Panel members are expected to attend a minimum of 2 meetings per annum and be available between meetings via email or phone, on a limited basis, only as strictly necessary and with agreement with the Panel member.</li> <li>• Any Panel member may convene additional meetings if deemed necessary or if requested by the Children's Commissioner.</li> <li>• A minimum of two members of the Panel must be present for the meeting to be deemed a quorate.</li> <li>• The Commissioner (or, in exceptional circumstances, a nominated staff representative), the Executive Assistant and other members of staff, as appropriate, will attend meetings. However, the Commissioner or any member of the Panel may</li> </ul>



request a confidential meeting or part of a meeting solely with the Commissioner and Panel members.

- Additional meetings of the Panel or agreed sub-groups may be arranged as required to address issues arising or in the interest of progressing specific pieces of work.
- Members are expected to be available between meetings via email or phone, on a limited basis and only as strictly necessary.
- Meetings will be held online and in-person, with a minimum of one in-person meeting per annum.
- The Panel will meet periodically (at least once per annum) without the Commissioner.

#### **Tenure**

- Members will be appointed for an initial three-year period with the option to extend for up to another two terms. Further re-appointments may be permitted in exceptional circumstances. All extensions are at the discretion of the Commissioner.

#### **Information Requirements**

The following papers and reports will be provided to each member of the Panel in the agreed format at least 5 working days prior to the meeting:

- An agenda.
- Minutes and progress of action points of previous meeting.
- A report summarising any significant changes to the Office's strategic risks and a copy of the Commissioner's Risk Register.
- Where one has been completed, a report (written/verbal) from the Internal/External Audit representative summarising work completed and emerging findings.
- Reports on the management of major incidents, "near misses" and lessons learned.
- Reports on fraud, complaints or whistleblowing incidents.
- A financial report to include a comparison of spend against budget.
- The Commissioner will bring to the attention of the Panel any issues raised from the Adult Advisory Panel and/or the Youth Advisory Panel.

As and when appropriate, the Panel will also be provided with:

- Proposals for the terms of reference of Internal and/or External Audit and clarification on planned audit activity in the financial year;
- A progress report from the Internal Audit summarising:
- Work performed (and a comparison with work planned);



<ul style="list-style-type: none"><li>• Key issues emerging from the work of internal audit;</li><li>• Commissioner's response to audit recommendations;</li><li>• Changes to the agreed Internal Audit Plan; and</li><li>• Any resourcing issues affecting the delivery of the objectives of Internal Audit;</li><li>• The Internal Audit Annual Report</li><li>• The draft accounts of the organisation</li><li>• External Audit's Report</li><li>• Staffing and employee issues relevant to the role of the Panel</li></ul>
<b>Review of Terms of Reference</b>
<ul style="list-style-type: none"><li>• These Terms of Reference will be reviewed every three years.</li></ul>
<b>Date Agreed</b>
<b>Review Date</b>