

## COMPETITION COMMISSION SENIOR MANAGEMENT TEAM: TERMS OF REFERENCE

### Membership

1. Membership of the Senior Management Team (SMT) shall comprise of:
  - Chief Executive (Chair);
  - Chief Legal Adviser;
  - Chief Economic Adviser;
  - Chief Business and Finance Adviser;
  - Senior Inquiry Director;
  - Director of Corporate Services; and
  - Director of Policy.
2. Members of SMT are expected to attend meetings whenever possible, however key professional areas and the Senior Inquiry Director may nominate a member of the Senior Team to represent them if they are unable to attend a meeting.
3. Additionally any member of staff may attend a meeting as required to provide advice, guidance and support.

### Appointments

4. Members of SMT are appointed by the Competition Commission's (CC's) Chief Executive.

### Reporting

5. SMT is the forum that the Chief Executive uses to take advice from members of the senior management team collectively, to ensure a consistent approach on significant management and policy matters including key cross-organisational policy decisions and to review corporate information such as the annual accounts.
6. The Chief Executive may, after taking advice from SMT, decide on a course of action which may not be supported by all the SMT. In these circumstances the SMT will nevertheless work with the Chief Executive to ensure that the decision is effectively implemented.
7. The Chief Executive in turn reports to the Chairman, Council or the Department of Business, Innovation and Skills (BIS) as appropriate.

## **Meetings**

8. The SMT will meet every two weeks unless otherwise agreed.

## **SMT's responsibilities**

9. The objective of SMT is to support the Chief Executive in his roles:
  - As the Competition Commission's (CC) Accounting Officer including :
    - Ensuring that the overall financial and management framework controls applied by the CC are appropriate and sufficient to safeguard public funds;
    - Ensuring systems of internal control conform to the requirements of regularity, propriety and good financial management;
    - Business planning, annual reporting and monitoring;
    - Managing risks and resources;
    - Accounting for the CC's activities; and
    - Advising Council in relation to its financial responsibilities.
  - As the CC's Chief Executive including:
    - Leading and managing the staff of the CC; and
    - Day to day management and administration of the CC; and
    - Providing advice on strategic management issues to the Council including planning and policy decisions; major budget decisions and the strategic direction of the CC.
10. In particular the CEO will use SMT to:
  - Assist him to provide advice to the Council;
  - Ensure the CC has in place policies, practices and procedures which accord with best practice and will facilitate delivery of the Corporate Plan;
  - Provide direction and leadership to staff;
  - Lead change throughout the organisation to give effect to the strategic direction determined by the Council;
  - Work with other CC committees to ensure that key objectives are delivered; and
  - Ensure that the CC makes efficient and effective use of its resources.
11. Specifically the SMT will consider and discuss:
  - Significant changes in current inquiry and non inquiry policies, procedures and good practice and/or the potential introduction of new policies;
  - Significant changes and/or significant issues arising in connection with CC internal and external guidance in relation to its inquiry work;
  - Wider policy matters that impact on the CC or in which the CC might become involved;
  - Corporate governance, business and corporate planning and annual reporting ;
  - Budget setting, financial and resource prioritisation;

- Financial reporting including expenditure against budget and forecast under/overspends on a monthly basis;
- Risk management including reviewing the SMT risk register on a quarterly basis;
- Business continuity planning;
- Data handling, information assurance and security;
- Staff development, retention and recruitment
- Decisions affecting services and support provided by the Corporate Services team ensuring that these meet the needs of the CC;
- The CC's external role and in particular relations with key stakeholders.

Papers will clearly indicate the role that the SMT is expected to fulfil for each item under consideration.

12. The SMT may be involved in policy implementation and development on a number of occasions, for example consultation at the start of the process, decision-making in relation to the policy or procedure and providing advice on implementation.
13. The SMT has a crucial role in relation to the CC's business planning and budgetary cycles and wherever possible the timing of meetings will be organised to facilitate this role.
14. The SMT shall consider and advise the Chief Executive, on an issue by issue basis, who should be consulted and how and when to conduct that consultation. It will take account of the views of consultees in its deliberations.
15. SMT shall also consider and advise the Chief Executive on an issue by issue basis, about the persons to whom and the method by which decisions should be communicated.

### ***Risk Management***

16. Each member of the senior team (with the exception of the Chief Executive) has their own risks that they must manage. They must also record the main risks facing them in the CC's risk register. As appropriate they may use some of the CC's committees or other groups to debate, review and update their allocated risks. Appropriate committees should include risk management in their Terms of Reference.
17. SMT will review the CC's risk register four times a year. Additionally the SMT is responsible for:
  - Oversight of the Council's strategic risks and referring new strategic risks up to the Council for consideration;

- Considering recommended changes to the risk management process (for example by internal or external audit);
- Making suggestions about how the CC can improve the risk management process; and
- Ensuring consistency of scoring between individual risks.

### **SMT's statutory duties**

18. SMT has no statutory duties.

### **Delegation**

19. The Chief Executive and SMT will be supported by the Corporate Services Review Group which will review all key corporate services documents prior to them being presented to the SMT.
20. Additionally, SMT may decide to delegate responsibility for specified matters, to other groups including the Business Continuity Group, the Security Working Group and the Competition Commission's Project Board.

### **Procedures**

21. SMT will adhere to the following procedures.
- A forward programme of scheduled meetings will be established which may be supplemented as necessary with meetings convened at shorter notice;
  - Minutes of meetings shall be prepared by the secretary and considered for approval at the following meeting of the SMT. Approval of the minutes shall not be required prior to the taking of any action authorised to be taken at the meeting to which the minutes relate;
  - The Chief Executive shall act as Chair. In the event he is not present the Senior Inquiry Director shall chair the meeting;
  - The Chair may invite others to attend for all, or any part, of the SMT meetings;
  - Secretariat support will be provided by the PA to the Director of Corporate Services; and
  - Agendas and minutes will be made available via Landscape and the CC's internet site.
  - A registered file copy of all formal reports, agendas and minutes must be retained in EDRM.
  - The quorum for meetings will be four.
22. The Chief Executive and SMT may consult or receive advice and guidance from a number of groups including:
- Inquiry Directors' meetings;

- Heads of Profession;
- Senior Team;
- Staff Council; and
- Corporate Services Management Team.

23. Before each meeting and upon receipt of the agenda and papers, SMT members are required to consider whether there is any potential for a conflict of interest. Detailed guidance on conflicts of interest can be found in Annex A.

## **Annex A**

### **Conflicts of interest**

1. Members of the SMT will:
  - have regard to the policy of the CC on conflicts of interest, which can be found in the guidance on outside interests (*CC Guidance on outside interests*) on the CC website;
  - review before each meeting whether there are any interests which may conflict with their duties as members of the SMT and if so disclose them to the secretary of the SMT and, where appropriate, the CC planning team;
  - be asked by the Chair of the SMT at each meeting to confirm they have carried out such a review and made such disclosure;
  - not participate in any activity of the SMT in relation to which they believe they have a conflict or possible conflict of interest without the consent of the Chair of SMT.