



Agenda Item:	12
Paper Number:	FFC140-WP8
Title:	Delineation of roles of the Committee, Sub-committees and the Director-General in relation to operational policies and procedures

Summary

The FFA Convention and the Corporate Governance Policy set out the broad roles of the Committee and the Director-General in the development, approval and implementation of operational policies and procedures. With the establishment of the new Sub-Committees, namely the Human Resources Sub-committee, the Information Management Sub-committee, and the Audit and Risk Committee, their respective roles in relation to operational policies and procedures vis-à-vis the Director-General and the Committee is brought to the fore. This paper seeks guidance on the respective roles of the Committee, Sub-committees and the Director-General in the consideration and approval of operational policies.

Recommendations

The Committee is invited to:

- (i) *Note* the respective roles of the Director-General, the Sub-committees, and the Committee in relation to the development, approval and implementation of operational policies and procedures;
- (ii) *Provide* the necessary guidance to the Secretariat, as appropriate, on the role of the Director-General in relation to the development and approval of operational policies and procedures.

Introduction

1. The FFA Convention and the Corporate Governance Policy set out the broad roles of the Committee and the Director-General in the development, approval and implementation of operational policies and procedures. With the establishment of the new Sub-Committees, namely the Human Resources Sub-committee, the Information Management Sub-committee, and the Audit and Risk Committee, their respective roles in relation to operational policies and procedures vis-à-vis the Director-General and the Committee is brought to the fore. This paper seeks guidance on the respective roles of the Committee, Sub-committees and the Director-General in the consideration and approval of operational policies.

Role of the Director-General in relation to operational policies

2. The role of the Director-General in the management of the Secretariat includes but is not limited to the administration of the Staff Regulations, Financial Regulations, and overarching policies, and includes the development, approval and implementation of operational policies and procedures.
3. For example, the Director-General administers the Staff Regulations that are approved by the Committee and may also supplement the regulations with rules and instructions. Regulation 1 of the Staff Regulations provides:

The Director-General may supplement these Regulations with Staff Rules/Instructions not inconsistent with these Regulations or with any decisions made by the Committee; and further, may issue such Staff Rules/Instructions as may appear to be necessary to render these Regulations effective.

4. To that end, the Corporate Governance Policy provides that: *The FFA may develop internal manuals and procedures as necessary to assist in the transparent and ethical implementation of the Staff Regulations. Further, "FFA will implement recruitment policies, conditions of employment and appropriate training programs that will contribute to a competent and motivated workforce."*
5. The Corporate Governance Policy provides for operational policies and procedures in section 15. 15.1 provides that: *"The Senior Executive and all Divisional Heads will ensure that relevant up-to-date policies and procedures are developed, maintained and promulgated to staff as required, governing the overall operation of the Agency."* In addition, *"Where necessary, additional Operational Policies and Manuals, Procedures and Guidelines will be developed for work within respective divisions and units."*
6. In light of the above, the role of the Director General in relation to the development, approval and implementation of operational policies and procedures is confirmed. However, given the establishment of sub committees and their respective roles, as well as the oversight of the Committee, there is a need to clearly identify what constitutes operational policies and procedures within the decision-making role of the Director-General.

Role of Sub-Committees in relation to operational policies

7. The Sub-committees established by the Committee, in particular the Human Resources Sub Committee, Information Management Sub Committee, and the Audit and Risk Committee exercise the functions set out in their respective terms of reference and provide recommendations to the Committee.

8. With respect to the review and approval of policies, including operational policies, only the Audit and Risk Committee's Charter explicitly allows for the approval of policies to improve the management of risks, and issue policies and benchmarks for the prudent investment of funds. The mandates of the sub committees are now considered in turn.

Human Resources Sub Committee

9. The Human Resources Sub Committee (HRSC) for instance is established "to assist the Committee's oversight responsibilities on the recruitment processes, management of performance appraisal processes and administration of employee management systems."
10. The HRSC will, amongst other things, provide direction and oversight of HRM strategy and operation plans, staff development plans, and resourcing strategies to align with the FFA Strategic Plan and Business Plan human resource needs. Clause 2.3 of its terms of reference provides that the HRSC will not be involved in the day-to-day HR management of the Secretariat but provides governance oversight and reports back to the Forum Fisheries Committee.
11. The specific mandate of the HRSC is set out in clause 3 of its terms of reference:
The HRSC has the authority to:
 - 3.1.1. *oversee the HRM annual work plan, systems and processes;*
 - 3.1.2. *oversee FFA's performance management frameworks;*
 - 3.1.3. *conduct investigations into relevant matters needing address within its scope of responsibility;*
 - 3.1.4. *obtain advice and assistance from human resource, change management, policy and planning, or other technical experts as necessary for HR to perform its duties;*
 - 3.1.5. *oversee implementation of recommendations from experts or consultant reports on HR processes, procedures, policies, human resourcing implementation and institutional strengthening;*
 - 3.1.6. *seek any information it requires from FFA staff, all of whom are directed to cooperate with the HRSC's requests; and*
 - 3.1.7 *review and report back to the Forum Fisheries Committee on all matters within the HRSC's competence, including making recommendations.*
12. The first HRSC considered draft human resources policies and agreed to recommend the said policies to the Committee. The human resources policies cover a wide range of matters including i) Job analysis; ii) Writing Job descriptions; iii) Employee recruitment; iv) Selection Preferred Job applicant; v) Appointment and onboarding; vi) Career management and succession planning; vi) performance appraisal; vii) Training and development; viii) Disciplinary action; ix) Grievance handling; x) Whistle-blower policy; xi) Child protection; xii) Gender equality and social inclusion; and xiii) Prevention of sexual exploitation and harassment. It is relatively clear that most if not all of these policy statements fall within the category of operational policies and procedures. As such the Director-General would normally be in a position to approve such policies.

13. Moreover, several policy statements proposed are articulated in existing policies such as the Corporate Governance Policy, Staff Regulations, and the Gender Equity and Social Inclusion policy.

Information Management Sub Committee

14. In addition, the Information Management Sub-Committee (IMSC) assists the Committee's oversight responsibilities on Information Management matters. The IMSC will, amongst other things, support FFC Officials exercise their governance responsibilities in respect to the strategic management of information. The IMSC will support the FFA Secretariat exercise their responsibilities to manage information.

15. The specific mandate of the IMSC is set out in clause 3 of its terms of reference:

3.1. While the IMSC has no decision-making authority and reports to and takes directions from FFC Officials, the IMSC has the authority to:

3.1.1. oversee implementation of recommendations from experts or consultant reports on Information Management matters;

3.1.2. seek any information it requires from FFA staff, all of whom are directed to cooperate with the IMSC's requests; and

3.1.3. review and report back to the Forum Fisheries Committee (and take directions from the Committee) on all matters within the IMSC's competence, including making recommendations.

3.2. The IMSC's reporting back to the FFC (including making recommendations where necessary) includes:

3.2.1. the outcomes of any review work done and recommendations by experts made on Information Management matters;

3.2.2. any other tasks as directed by the Forum Fisheries Committee.

16. In light of the above, the IMSC will review draft policies and make recommendations to the Committee.

Audit and Risk Committee

17. Moreover, the Audit and Risk Committee (ARC) assists the Committee to effectively oversee and manage the risks that the FFA faces which include financial, operational, legal, reputational, and performance. In particular, the ARC will oversee the financial reporting process, systems of internal control, the work of external and internal auditors, risk management, effectiveness and efficiency of operations, and compliance with legal and regulatory requirements.

18. The ARC will, amongst other things, review the risk management plan and its implementation, and the work of the external auditor. It will also review the Annual Work Programme and Budget and its alignment with the Strategic Plan and Business Plan. Clause 2.4 of the ARC Charter provides that the ARC is not involved in the day-to-day financial management of the Secretariat but provides oversight and reports back to the Committee.

19. Clause 3 of the ARC Charter sets out its authority:

The ARC has the authority to:

- a) approve policies to strengthen the management of risks of the FFA;
 - b) *oversee the systems and processes that are relevant to its work;*
 - c) *initiates and oversees investigations regarding any matters within its scope of responsibility;*
 - d) *obtain advice and assistance from outside legal, accounting or other technical experts as necessary to perform its duties;*
 - e) oversees the investment of funds by the FFA and issues policies and benchmarks for the prudent investment of these funds;
 - f) *approve the internal audit annual workplan, and monitors and reviews the work performed by external and internal auditors;*
 - g) *consult as necessary with FFA's external auditor in the conduct of its annual financial statements;*
 - h) *seek any information it requires from FFA staff, all of whom are directed by the Director General to cooperate fully with the ARC's requests; and*
 - i) *review and report back to the Forum Fisheries Committee on all matters within the ARC's competence, including making recommendations.*
20. In light of the mandates of the Sub-committees, the explicit role of ARC in the specific areas of policy making should be noted.
21. For the HRSC and IMSC, there is an understanding that each will review relevant policies and make recommendations to the Committee for final approval.

Role of the Committee

22. The functions of the Committee are set out in the FFA Convention. In particular, Article V sets out the functions of the Committee as follows:
- (a) to provide detailed policy and administrative guidance and direction to the Agency;
 - (b) *to provide a forum for Parties to consult together on matters of common concern in the field of fisheries;*
 - (c) *to carry out such other functions as may be necessary to give effect to this Convention.*
23. While Article V.1(a) states that the Committee provides “detailed policy and administrative guidance and direction to the Agency”, it is suggested that this encompasses the consideration and approval of regulations such as the Staff Regulations and Financial Regulations, endorsement of overarching policies such as the Corporate Governance Policy, Climate Change strategy, Regional Monitoring Control and Surveillance Strategy, GESI policy, ISMS policy and the Information Governance and Intellectual Property policy.
24. On the other hand, according to the Corporate Governance Policy, the role of developing, approving and implementing operational policies and procedures rests with the Director-General.
25. The FFA Strategic Plan identifies that FFC Officials have two primary roles: (i) to form collective positions and develop cooperative management strategies for

endorsement of Ministers, and (ii) to exercise their ownership responsibilities through operational oversight and support of the FFA Secretariat.

Scope of Operational Policies and Procedures

26. Notwithstanding the Corporate Governance Policy (and other instruments such as the Staff Regulations) in relation to the development and approval of operational policies and procedures, the charter of the Audit and Risk Committee provides that it can approve operational policies and procedures relating to: i) risk management; and ii) the making of prudent investments.
27. Unless directed otherwise by the Committee, operational policies and procedures submitted to a Sub-committee for its consideration are to be recommended to the Committee for its final decision.