

# NI GUARDIAN AD LITEM AGENCY

## BOARD MEETING – 25<sup>th</sup> February 2021

Present:	Mrs Gemma Loughran, <i>Chair</i> Mr Peter Reynolds, <i>Chief Executive</i> Ms Veronica Callaghan, <i>Non-Executive Director</i> Mr Fred Smyth, <i>Non-Executive Director</i> Mr Lee Wilson, <i>Non-Executive Director</i> Mrs Gillian McGaughey, <i>Non-Executive Director</i>
In Attendance:	Mr Sean Brown, <i>Corporate Services Manager</i> Ms Teresa Fallon, <i>Assistant Director</i> Miss Patricia O’Kane, <i>Assistant Director</i> Mr John Sheldon, <i>QA &amp; Training Manager</i> Ms Dawn Shaw, <i>CEO</i> Prof Laura Lundy, QUB ( <i>Point 2.21</i> ) Ms Kathryn Gillespie, <i>Internal Audit BSO</i>
Minute Taker:	Mrs Ann Andrew, <i>Administration Manager</i>

**START TIME: 9.30am**

Meeting by zoom

### **1.21 INTRODUCTION**

- 1.21.1 Mrs Loughran welcomed everyone to the meeting. She made specific mention to Ms Dawn Shaw, incoming Chief Executive, at this her first NIGALA Board meeting. Mrs Loughran also welcomed Ms Kathryn Gillespie from BSO Internal Audit who is conducting the Board Self-Assessment audit and will be observing the meeting today. Mrs Loughran asked that all Board Members who have not submitted their surveys to Ms Gillespie already should do so as soon as possible.

### **2.21 SERVICE DELIVERY: CHILDREN’S PARTICIPATION**

- 2.21.1 Mrs Loughran welcomed Professor Laura Lundy to the meeting. Professor Lundy is the Co-Director of the Centre for Children’s Rights and a Professor in the School of Social Sciences, Education and Social Work at Queen’s University Belfast. The work of Professor Lundy is well-known worldwide.

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- 2.21.2 Professor Lundy provided a presentation to the Board on the importance of providing children with the opportunity to have their views heard and discussed at length the Rights of the Child and the importance of Article 12 of the European Convention on Human Rights.
- 2.21.3 Professor Lundy gave an overview of a conducted study about children’s rights, involving over 1000 children and a number of adults i.e. lawyers, teachers and other professionals. She emphasised children’s rights can be misunderstood or underplayed; some children did not feel safe giving their views and worried there would be repercussions if they did.
- 2.21.4 Professor Lundy emphasised the importance of ‘participation’ and how the opportunity for a child to express their view must be given, children must be facilitated to express their view and their view must be listened to and indeed acted upon, as appropriate. A child’s voice is ‘a right, not a duty’.
- 2.21.5 Professor Lundy highlighted a number of myths and reiterated that views have to be balanced between rights and best interests.
- 2.21.6 Mrs Loughran thanked Professor Lundy for the quality of her presentation and Board Members were provided with an opportunity to ask questions.
- 2.21.7 Mr Smyth indicated that participation should be embedded into an organisation and queried how people might be held to account in terms of consequences and measuring better outcomes? Professor Lundy noted that one of the challenges in Northern Ireland is that this is not embedded in law, but this will change in the future. She noted that Scotland is the only UK region to have this in their law at present, but, whilst it is not in law here, it is an international commitment so therefore should be committed to. She emphasised that it shouldn’t make a difference in any situation, as it’s a human right.
- 2.21.8 Professor Lundy indicated that evidence of good practice can be found at TUSLA. They have recently had a major review. All staff now follow the Lundy model for children’s participation and they are building a body of evidence about its benefits for organisations. She indicated that she has provided Ms Fallon with contact details in order for NIGALA to liaise with them.
- 2.21.9 Ms Callaghan thanked Professor Lundy for a great presentation. She indicated that she chairs the SCG committee and though we do have a model of participation and clearly defined standards, we have a challenge around how can we improve our governance and assurance oversight as a Board around the work we are currently doing. She referred to the thematic assurance view of the standards whilst looking at how the Agency triangulates with children and the court processes. She
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indicated this poses good questions about how we strengthen our processes and how we all manage the model of participation.

- 2.21.10 Ms O’Kane noted she was really inspired by an excellent presentation and noted there is an opportunity systemically for joint training around the legal/social interface with the newly appointed NIGALA Solicitor Panel and she would welcome the opportunity to share the Lundy model with them.
- 2.21.11 Mrs McGaughey echoed the thoughts of other Board Members and referred to the Gillen Report and the implementation of its recommendations.
- 2.21.12 Mr Wilson agreed with all comments and noted that as NIGALA is key ‘part of the system’ it can hopefully influence HSC Trust and Legal staff.
- 2.21.13 Mr Reynolds echoed the views of others and noted he took comfort from where the Agency is and knows that it can do so much more and NIGALA can organisationally build on this.
- 2.21.14 Mrs Loughran noted her thanks to Professor Lundy for taking the time to join the Board meeting and for providing such an interesting presentation and discussion.

### **3.21 DECLARATION OF INTERESTS**

- 3.21.1 Mrs Loughran provided an opportunity for the Board members to identify any conflict of interest in respect of today’s agenda. None were noted.

### **4.21 MINUTE OF LAST MEETING**

- 4.21.1 The minute from the last meeting of the NIGALA Board on 17<sup>TH</sup> December 2020 was approved as an accurate record, proposed by Ms Callaghan.

### **5.21 MATTERS ARISING**

- 5.21.1 Mrs Loughran referred to the Action List from the last meeting and the Board noted progress on each. There were no outstanding actions for discussion.

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**6.21 CHAIR & NON-EXECUTIVE'S BRIEFING**

- 6.21.1 *HSC ALB Chairs:* Mrs Loughran indicated that the Chairs of HSC ALBs have had an opportunity to comment on the 2021/22 NI Draft Budget and have submitted their thoughts on same for the Minister of Health.
- 6.21.2 Mrs Loughran noted a number of points were made eg better advance planning is required, non-recurrent expenditure does not work and the short notice given for spending monies within a short timespan does not work, financial planning should shouldn't just be for one year – it should be for multiple years.
- 6.21.3 Mrs Loughran indicated that the HSC Chairs meet approximately every 6 weeks or so and there are numerous time-consuming meetings.
- 6.21.4 Mrs Loughran provided an opportunity for Members to update the Board on any relevant activities. None were noted.

**7.21 CHIEF EXECUTIVE'S BRIEFING**

- 7.21.1 Mrs Loughran referred to the *CEO Board Paper* and Mr Reynolds provided an update on NIGALA activity in the period since the last Board meeting on 17<sup>th</sup> December 2020.
- 7.21.2 Mr Reynolds referred to the work of the Shadow Family Justice Board and updated on the key issues around Article 56 appointments. He noted that Mrs McGaughey has been asked by Mrs Justice Keegan (Family Judge and Chair) to outline briefly what a protocol would look like; Mrs McGaughey indicated she intends to have this prepared for the next meeting of the group.
- 7.21.3 Mr Reynolds updated on the work of the Gillen Training Group. He noted that an amazing amount of work has been completed by Geraldine Hanna (Victim Support).
- 7.21.3 Mr Reynolds referred to the Message from the President of the Family Division: The Road Ahead 2021, issued on 5 January 2021. He summarised the key messages given.
- 7.21.4 Mr Reynolds confirmed Ms Shaw commenced her induction on Tuesday 9 February 2021. Ms Shaw has had the opportunity to meet with the CEO, SMT, Board Chair, Board Members and DoH/Sponsor Branch.
- 7.21.5 Mr Reynolds also updated on a Signs of Safety presentation given to the Shadow Family Justice Board in February 2021.

7.21.6 Mr Reynolds also referred to a number of issues raised on behalf of NIPSA members. Whilst recognising the unique pressures and circumstances brought about by the pandemic and the disruption this has caused, the Union raised a number of issues. Copies of correspondence are detailed at 14.21.

## **8.21 COMPLAINTS REPORT**

8.21.1 Mrs Loughran referred to the *Complaints Report* providing a summary of complaints received over the last five years (2016 to December 2020).

8.21.2 Mr Brown spoke to this report and detailed the process for making a complaint. He indicated that with the introduction of a new Complaints Policy, approved by the Board in December 2020, the process should be much clearer and easier to follow.

8.21.3 Ms Callaghan noted the excellent report and noted her thanks to Sinead Casey for preparing. She indicated this report was reviewed at the last meeting of the SCG Committee, where learning from complaints was discussed. Ms Callaghan indicated that one of the points highlighted was around closure of cases and the process for managing closure. She noted that some of the complaints received came into the Agency a few years after work had been finished. Mr Brown confirmed that guardians write to the family involved and the children involved to confirm the outcome of a case and the dismissal of the Guardian ad Litem.

8.21.4 Ms Callaghan noted that the administrative closure of cases takes some time after the court process has finished. She suggested this may be looked at so see if the time gap can be accelerated.

## **9.21 FINANCE & PERFORMANCE REPORT**

9.21.1 Mrs Loughran referred to the *Finance & Performance Report* and Mr Brown updated the Board on same.

### ***Performance***

9.21.2 Mr Brown gave a performance overview on operational indicators as at 11 February. He noted NIGALA's attendance for the year to end of January 2021 was 97.9%.

9.21.3 Mr Brown indicated that allocation and caseload have been consistent over the last few months with approximately 67 cases still awaiting allocation. Ms Fallon noted that in December there were close to 90 cases waiting allocation and this was

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assisted when each Guardian took an additional case. There is now very limited capacity amongst staff and concerns about the challenges that will be faced when visits and courts are open to full capacity again.

- 9.21.4 Mrs Loughran highlighted that this situation has been managed as best as possible but continues to be a concern. Mr Reynolds noted there is a resource problem across the whole of HSC with a structural systemic issue at the root. He indicated that he met with the DoH along with Ms Shaw and Sponsor Branch is aware of the challenges faced and how it is currently being managed.
- 9.21.5 Mrs Loughran queried about monies available to assist, eg Covid monies? Mr Brown confirmed that there will be 3 business cases for funding in the coming year and DoH are aware of the pressures.
- 9.21.6 There was intense discussion about the next course of action given the capacity of the guardian workforce. Mrs Loughran also referred to the concerns of NIPSA for the wellbeing of staff. Mr Smyth emphasised that immediate action is required. Mr Brown suggested that the judiciary be made aware of the position initially. Ms Callaghan highlighted that the Agency is not meeting its statutory function and therefore the Board should seek an urgent meeting with Ms Eilis McDaniel, DoH/Sponsor Branch, given this is a deteriorating picture that will only get worse.
- 9.21.7 Mr Reynolds indicated that Ms McDaniel is aware of the situation. Mrs Loughran requested that a meeting be set up with Ms McDaniel within the next 10 days and that Mr Brown prepare a paper in support.
- 9.21.8 Mr Smyth recognised the urgency and also the size of ‘the ask’ and noted the need to ensure what is asked for is adequate and reflective of requirements.
- 9.21.9 Mr Sheldon indicated that caseloads have continued to increase and it is expected that when services do fully resume again that the number of children coming into care will increase dramatically. He noted this is because of major societal changes and puts the Agency in an unmanageable situation.
- 9.21.10 Mrs Loughran summarised that an urgent meeting be sought with Ms McDaniel. The supporting papers should be available for Monday 5pm with feedback from Board Members received by Tuesday. It was agreed that Chief Executive/Non-Executives should jointly attend.

**ACTION: Urgent meeting to be arranged with Ms McDaniel to discuss the requirement of essential urgent funding.**

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**Finance**

- 9.21.11 Mr Brown reflected that the in-year financial position is also challenging and there is a predicted £79k deficit. Additional monies to facilitate break-even have been sought from DoH and this is currently going through the authorisation process.
- 9.21.12 Mr Brown highlighted that the recent agreement to allow staff to carry over more than 5 days annual leave (due to covid) will also have an additional year end cost. This proposal has been agreed by the DoH and funds to support it have been requested.
- 9.21.13 Mr Wilson asked for details of full budget for fixed/non-fixed costs to be included in reporting going forward.
- 9.21.14 All the in-year pressures were noted. Mr Reynolds indicated that it is clear that our designated budget is not fit for going forward and not reaching the areas we want to.
- 9.21.15 The Board noted the Finance & Performance Report.

**ACTION: Future reports to show full budget detail for fixed/non-fixed costs.**

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**10.21 CULTURAL ASSESSMENT REPORT**

- 10.21.1 Mrs Loughran referred to the *Cultural Assessment Report* and Mr Brown spoke to same.
- 10.21.2 He noted that the HSC introduced the culture assessment survey in the past 12 months. NIGALA had a 66% response rate with 41 people participating. The assessment gauges where an organisation is in terms of compassionate leadership, collective leadership, values, vision, goals and performance, quality and innovation, teamwork and compassionate care.
- 10.21.3 Mr Brown indicated that overall scores are positive. He indicated as this is the first report of its kind it will set a baseline for similar reports going forward. The report will assist with the drafting of a new corporate plan and HSC values will be incorporated into same.
- 10.21.4 Ms Callaghan noted she found the report interesting and noted the correlation with the Learning & Development Strategy. She noted the assurance perspective and messages that should be taken forward.

- 10.21.5 Mr Brown will lead on this as a broader piece of work. Mr Wilson, in terms of governance, will assist as required. Ms Callaghan indicated she was also happy to contribute and this work can sit under the Audit & Risk Committee or align with the governance structure. Mrs Loughran also asked that liP be taken into consideration.
- 10.21.6 Mr Smyth referral to the overall cultural piece with the Board and noted its importance. He queried how other HSC Boards are taking this forward? Mr Brown noted that the cultural assessment survey was carried out across all HSC. He noted there is a strong possibility that this will replace the biannual HSC staff survey going forward with the emphasis on culture.

**ACTION: Mr Brown to lead on the work around overall organisation Governance, taking account of the Cultural Assessment Report.**

## 11.21 BOARD SELF-ASSESSMENT

- 11.21.1 Mrs Loughran referred to the *Board Self-Assessment Exercise 2020-21*. Ms Gillespie indicated that the effectiveness audit is close to completion and the final audit report will be available in the coming weeks. She noted her thanks to those who completed and returned the circulated survey. Ms Gillespie indicated she will also be reviewing the completed Board Self-Assessment.
- 11.21.2 The *Board Self-Assessment Exercise 2020-21* paper was noted.

## 12.21 RISK REGISTER

- 12.21.1 Mrs Loughran referred to the *Risk Register* and Mr Brown spoke to same. He highlighted an additional emerging risk: with Mr Sheldon retiring from NIGALA at the end of May 2021, this will leave the 'allocation process' to be covered by two Assistant Directors, bringing additional pressures on them.
- Risk: *Loss of Senior Management Team member leads to increased workflow pressure on remaining AD's and negative impact on their health and wellbeing.*
- 12.21.2 The Board reviewed the Risk Register and Mr Smyth highlighted the *risk of lack of funding on the allocation process*. Mr Wilson highlighted that without appropriate funding *NIGALA will not be able to fulfil its statutory duty*. He emphasised this needs to be a longstanding risk.



- 12.21.3 Mr Wilson suggested that a number of risks may need reviewed and their wording made stronger. Mrs Callaghan also suggested a look across the risk register to see if risks are escalating to the proper level.
- 12.21.4 Mr Brown indicated he would update the Risk Register in light of today's conversation for the forthcoming Audit & Risk Committee meeting. The report then will be ready for the Board Meeting in April 2021.
- 12.21.5 It was agreed that changes to the Risk Register could go in draft form to the proposed meeting with Ms McDaniel, DoH.

## **13.21 BOARD COMMITTEE MEETINGS SINCE LAST MEETING OF THE BOARD**

### ***Social Care Governance Committee:***

- 13.21.1 There was a meeting of the Social Care Governance Committee on 14<sup>th</sup> January 2021 and Ms Callaghan referred to the Committee Report summarising the business entailed. She noted her thanks to staff for their work, especially Ms Fallon.
- 13.21.2 Ms Callaghan indicated that as we move forward in SCG consideration will be given to how we report how assurance is provided, how it is achieved and what still has to be done.
- 13.21.3 Ms Callaghan noted that the supervision policy is in the final stages and close to completion.

## **14.21 DEPARTMENTAL/OTHER CORRESPONDENCE**

### ***Correspondence To / From NIPSA***

- 14.21.1 Mr Reynolds referred to shared correspondence to/from NIPSA in respect of *Caseloads & Working Practices* and *Extra-Ordinary Payment of Unused Contractual Leave entitlement*. He confirmed he has met with NIPSA and discussed the issues and dialogue is ongoing. Ms Shaw is involved in discussions.
- 14.21.2 Mr Reynolds emphasised that NIGALA is understanding of the pressures and challenges and also have common concerns. He noted communication with staff will be ongoing. He was keen to stress the good formal relations with NIPSA.

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**15.21 ANY OTHER BUSINESS*****Investors in People (iIP)***

- 15.21.1 Mr Sheldon indicated that *Investors in People* (iIP) is due to be renewed in 2021. He confirmed he has spoken with SMT who discussed the merits of postponing renewal due to all staff working from home during Covid, the CEO retiring in March 2021 and the Quality Assurance & Training Manager retiring in May 2021.
- 15.21.2 Mr Sheldon confirmed he has also spoken with Stephanie McCutcheon iIP assessor and discussed the situation; she was also in agreement this is not an ideal time to renew and perhaps renewal should be deferred. Mr Sheldon confirmed that a small fee will allow for deferral to Spring/Summer 2022, should the Board feel it prudent to do so.
- 15.21.3 The Board gave this consideration and Ms Shaw indicated that she was in agreement that it would be more appropriate to delay until 2022 as suggested.
- 15.21.4 Mr Smyth agreed but suggested that the Agency keep on track with governance, culture and procedures around this.
- 15.21.5 Mrs Loughran suggested the Mr Sheldon join the group who will be looking at the wider governance issue to be led by Mr Brown. Mr Wilson indicated this would give an opportunity to review how things are done, ensure there is no duplication and hopefully reduce workload for all the committees. Mr Reynolds noted that it is also an ideal time to look at what assurance was offered to the different committees.
- 15.21.6 The Board agreed to defer the renewal of *Investors in People* until 2022. The Agency will not lose sight of the work that would be done for same.

***Retirement of Mr Peter Reynolds, CEO***

- 15.21.7 Mrs Loughran noted that it was with a great sense of sorrow that she was saying farewell to Mr Reynolds on his retirement. She noted it was no exaggeration to say he transformed the Agency and has led it to the strong position it is in today. His leadership and work are a testament to him and indeed he is a loss to social care in Northern Ireland.
- 15.21.8 Mrs Loughran noted her appreciation to Mr Reynolds for agreeing to stay in the Agency for a further year in order to lead NIGALA through Covid. She referred to his guidance and assistance throughout her first year as Chair.

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15.21.9 Mr Reynolds thanked Mrs Loughran for her kind words.

**16.21 CONFIDENTIAL ITEMS**

16.21.1 The Board updated confidential business.

Mrs Loughran noted her thanks to the executive team for their contribution to and preparation of papers for today's meeting.

**END TIME: 12.30pm**

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**Chair of the Board**

