

NI GUARDIAN AD LITEM AGENCY

BOARD MEETING – 7th July 2021

- Present:** Mrs Gemma Loughran, *Chair*
Ms Dawn Shaw, *CEO*
Ms Veronica Callaghan, *Non-Executive Director*
Mrs Gillian McGaughey, *Non-Executive Director*
Mr Fred Smyth, *Non-Executive Director*
Mr Lee Wilson, *Non-Executive Director*
- In Attendance:** Mr Sean Brown, *Corporate Services Manager*
Ms Teresa Fallon, *Assistant Director*
Miss Patricia O’Kane, *Assistant Director*
Ms Bernie Martin, *Guardian ad Litem (Item 32.21)*
- Minute Taker:** Mrs Ann Andrew, *Administration Manager*

START TIME: 9.30am

Meeting by zoom

32.21 SERVICE DELIVERY PRESENTATION

- 32.21.1 Mrs Loughran welcomed Ms Bernie Martin, Guardian ad Litem to the meeting.
- 32.21.2 Ms Martin gave a presentation to the NIGALA Board giving an oversight of her role, and her observations and work entailed in one of her cases. She provided an opportunity for questions.
- 32.21.3 Mrs Loughran thanked Ms Martin for her presentation which highlighted to the Board the importance and complexity of the Guardian role.

33.21 DECLARATION OF INTERESTS

- 33.21.1 Mrs Loughran provided an opportunity for the Board members to identify any conflict of interest in respect of today’s agenda; none were noted.
- 33.21.2 Mr Wilson asked that it be noted that he is a member of the NISCC Board. He indicated he would excuse himself from any conservation involving NISCC, as required.

34.21 MINUTE OF LAST MEETING

- 34.21.1 The minute from the last meeting of the NIGALA Board on 29th April 2021 was approved as an accurate record, proposed by Mr Wilson.

35.21 MATTERS ARISING

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

36.21 CHAIR & NON-EXECUTIVE'S BRIEFING

- 36.21.1 Mrs Loughran provided an update for Board members in a number of areas. Board members were also invited to share.

- 36.21.2 **NICON Conference:** Mrs Loughran indicated that NICON have a conference planned for the autumn; she agreed to forward details onto the Board Members for information.

- 36.21.3 **NIGALA Branding/Strapline:** Mrs Loughran referred to NIGALA's branding/strapline and emphasised that the role of the Guardian and the Agency's duty is not sufficiently emphasised; the "*voice of the child*" is only one of the elements in the welfare of the child and the Agency's 'vision' is also about the best interests of the child.

Mrs Loughran noted she wants to look at all our material and review same. She noted she felt that Board Members were supportive of this.

Ms Callaghan indicated she agreed entirely with Mrs Loughran and suggested that the CEO Interim Plan is an opportunity to include this and also have an overview of all corporate and professional documentation. Mr Brown noted that this would best sit within the forthcoming Corporate Planning process.

- 36.21.4 **Social Work Awards:** Mrs Loughran confirmed that two submissions were made to the Social Work Awards and both were successful in being shortlisted. She noted her thanks to Ms Callaghan for drawing attention to the Awards.

- 36.21.5 **Meeting with the Minister:** Mr Wilson indicated that he was involved in a recent meeting with the Minister and the Board of NISCC. He updated on the schedule of the meeting and briefed on discussions. He noted that the Minister seemed to be conscious of the role of the social care and the need for rebuilding of same.

Mr Smyth referred to the service presentation and the case sampled; he noted the presentation questioned the need for a pre-court role. He discussed how the protracted delay in getting cases to court means that the Guardian can have no authority or influence before that, thus making it difficult to have an influence later. Mrs Loughran highlighted the fact that the guardian has no role until there is an application before the court which then appoints the guardian. The recurring problem of delay is during the court process.

Mrs Loughran suggested that in terms of an influencing role that a conference on non-accidental injury, the challenges presented and delay might be useful. There was discussion in respect of same.

36.12.6 Ms Callaghan suggested a further meeting with the Minister to discuss the challenges of our work would be welcomed. The Board were in agreement.

37.21 CHIEF EXECUTIVE'S BRIEFING

37.21.1 Mrs Loughran referred to the *CEO Briefing* and Ms Shaw spoke to her report detailing NIGALA activity since the last meeting of the Board and reflecting on her first 3 months in post.

37.21.2 Ms Shaw indicated that she had taken advice on the first meeting with the Minister of Health on what approach should be taken about informing him about NIGALA. Some issues will be raised whilst others should be kept for a second meeting.

37.21.3 Ms Shaw noted that the change from 'SMT' to 'SLT' signals a cultural change in the Agency in conjunction with a collective leadership approach in HSC and two additional principal guardian practitioners; meetings with guardians and feedback from staff have helped to inform the interim plan.

37.21.4 Ms Shaw referred to the strapline for the Agency, its vision and mission and indicated she is starting to engage with the HSC Leadership Centre about refreshing same. A timeline will be reflected upon in due course. Mr Smyth agreed that the HSC Leadership Centre is a good medium to use to change the Agency model and this should be implemented as soon as possible.

37.21.5 Mrs Loughran noted she appreciated how quickly Ms Shaw has settled into the role and she believes the clarified agenda will be very helpful to the Agency.

37.21.6 Mr Wilson noted Ms Shaw's paper was very impressive and he admired the plan going forward, emphasising leadership at all levels.

38.21 FINANCE REPORT

- 38.21.1 Mrs Loughran referred to the *Finance Report* and Mr Brown updated the Board on the financial planning for 2021-22.
- 38.21.2 He referred to the RRL Allocation and indicated it included recurrent funding for the 2020-2021 increase in staff (pay award) and superannuation costs and additional non-recurrent funding of £40,000 for increased rental costs in Centre House. A separate allocation is expected to cover the staff pay award; planning for the year at present includes a staff pay award of 2% in the financial year.
- 38.21.3 Mr Brown noted that a second letter confirmed the allocation of ring-fenced monies for Self Employed Guardians, as received in previous years.
- 38.21.4 Mr Brown highlighted the spending detail noting that the projection is an overspend on staff costs; sponsor branch are aware of this in-year pressure.
- 38.21.5 Mr Brown referred to the breakdown of costs associated with each office, as requested by Ms Callaghan. He confirmed that the Armagh and Derry/Londonderry offices are tied into leases for a further 2 years. Mrs Loughran raised the issue of saving of monies if the satellite offices were closed.

39.21 OPERATIONS REPORT

- 39.21.1 Mrs Loughran referred to the *Operations Report* for the quarter 1st April – 30th June 2021 giving a detailed overview of the operations performance and activity around the context in which we operate. Ms O’Kane spoke to the report and indicated that quarterly reports will be tabled at the July, October, February and April Board meetings going forward.
- 39.21.2 Ms O’Kane referred to the YTD figures detailing number of live cases, number of children, cases received, cases allocated and cases closed. She noted that in addition to new cases coming in there are also a number of transferred/reallocated cases that are dealt with alongside new requests; there are 30 cases requiring transfer over the next few months.
- 39.21.3 Ms O’Kane indicated that the allocation process is currently being reviewed in order to streamline the process further. She provided an overview of allocated and triaged for the period along with case types, Trust breakdown and Court breakdown.

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- 39.21.4 Ms O’Kane provided a detailed narrative in respect of staff capacity. Guardians have made a total of 410 visits in their role since 1st April. She noted that 34% of cases received have been previously known to the Agency.
- 39.21.5 Ms O’Kane referred to *Guardian Caseloads* which is taken at a point in time and also reflects the personal circumstances of guardians. She assured the Board that the Allocation Managers are working to ensure an equal weighting of cases over all Guardians and promote self-regulation.
- 39.21.6 Ms Callaghan noted concern about the caseload section being circulated to Guardians and indicated that for Guardians who consistently have a lower number of caseloads that this is an operational management issue that should be addressed. Ms O’Kane acknowledged there would be ongoing conversations with the Senior Leadership Team in this regard.
- 39.21.7 Mr Smyth indicated it was good to see all the information and was keen to see a monitored trend of same. He suggested it might be useful to have a commentary alongside the numbers.
- 39.21.8 Mrs Loughran noted her concern about the workload of a number of individual guardians and queried how it might be managed. Ms O’Kane indicated the report could usefully also include ‘throughput’ rather than identifying data at a point in time.
- 39.21.9 Ms Callaghan highlighted that a Guardian carrying a high caseload is as much of a concern as the caseload at the low end. She noted concern for the welfare of staff carrying high caseloads. She indicated that work should be done to identify what is an expected level of caseload. Ms Callaghan noted the Caseload detail should be reviewed in light of conversation before it is shared with staff. Mrs Loughran noted that appropriate material should be circulated to the Board prior to it being circulated amongst staff.
- 39.21.10 Ms Shaw advised this report was a first attempt at providing different type of material to the Board and it will be reviewed further. The highlighting of the caseload disparity amongst guardians is one of piece of work being taken forward. She noted the reiterated comments from union about the raised caseloads.
- 39.21.11 Ms Shaw advised that when she took up post on 1st April 2021, there were 82 cases on the waiting list. As at today there are 43 cases. She acknowledged the immense amount of work undertaken by Mrs Fallon and Ms O’Kane to reduce risk and also noted her thanks to the Guardians who have taken cases.
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39.21.12 Mrs Loughran noted this was an excellent paper providing a detailed overview and narrative which was very helpful to the Board.

ACTION: Information on Caseloads to be shared with the Board before circulation to staff.

40.21 NIGALA ANNUAL REPORT & ANNUAL ACCOUNTS 2020-21

40.21.1 Mrs Loughran referred to the *Annual Report & Annual Accounts 2020-21* and Mr Brown spoke to same confirming the report had been circulated to Board members and reflected all comments received. The Report and Accounts have been through two Audit & Risk Committees and all appropriate adjustments have been made.

The Report and Accounts were accompanied with an overview which noted the following:

- 1.1.1 Complaints – There were 4 complaints in year which were all dealt with in timescale.
- 1.1.2 Finance Summary – The draft accounts meet the breakeven target in 2020-21 with a small surplus of £12,264.
- 1.1.3 Prompt Payment Performance – NIGALA met the prompt payments target for the year
 - 1.1.3.1 100% of bills paid within 30 days
 - 1.1.3.2 96% of bill paid within 10 days
- 1.1.4 NIGALA made its purchase through the BSO Procurement and Logistics service, a Centre Of Procurement Excellence (COPE).
- 1.1.5 The Accounts have been prepared under a direction issued by the Department of Finance under Circular DAO (DoF) 01/21
- 1.1.6 There were no instances of Fraud in year.
- 1.1.7 There were no reported incidents under the Whistleblowing Policy within the year.
- 1.1.8 The format of the Accountability Report met requirements with sections covering:
 - 1.1.8.1 Corporate Governance Report;
 - 1.1.8.2 Staff and Remuneration Report; and
 - 1.1.8.3 Accountability and Audit Report
- 1.1.9 Personal data losses – There were none to report.
- 1.1.10 Governance Statement confirmed as consistent with guidance.
- 1.1.11 Staff costs – Staff costs came to £3,704,368 and are the Agency’s biggest expenditure, accounting for 79% of net expenditure.

1.1.12 Absence Rate – The sickness absence rate over the year was 2.02% with an adverse impact towards the end of the year due to long term absence.

1.1.13 Losses and Special Payments – There were none

1.1.14 There were no early retirements of exit packages paid.

40.21.2 The Board approved the *NIGALA Annual Report & Accounts 2020-21* following proposal by Mr Wilson who noted his thanks to all staff involved in the production of the Annual Report and Accounts and congratulated them on a clean report.

41.21 NI AUDIT OFFICE – REPORT TO THOSE CHARGED WITH GOVERNANCE

41.21.1 Mrs Loughran referred to the *Report to Those Charged with Governance and Letter of Representation* from the NI Audit Office. The report proposed that the Comptroller and Auditor General (C&AG) certify the 2020-21 financial statements with an unqualified audit opinion, without modification. The Board reviewed and noted the report and approved the Letter of Representation

42.21 CEO ACTION PLAN

42.21.1 Mrs Loughran referred to the *CEO Interim Action Plan* prepared by Ms Shaw following her appointment as CEO in April 2021; the plan covers the first 6 months of planned work following observations and feedback.

42.21.2 Ms Shaw confirmed the plan has been shared with the Senior Leadership Team and was primarily prepared to set out a path of improvement. There are currently 17 different areas of scheduled work, a number of which have been progressed already.

42.21.3 Mrs Loughran indicated this was a very helpful comprehensive action plan that clearly identifies any issues and a plan of action.

42.21.4 Ms Callaghan acknowledged that Ms Shaw has a good overview of all issues and reinforced the need for the right level of support for the core role of the Agency. She noted a need to review the corporate/administration staffing structure.

43.21 NIGALA BOARD EFFECTIVENESS INTERNAL AUDIT REPORT

43.21.1 Mrs Loughran referred to the *NIGALA Board Effectiveness 2020-21 Internal Audit Report*. She indicated this was a good report with *Satisfactory Assurance* being confirmed.

43.21.2 Mrs Loughran noted she would appreciate if the comments made by individual Board members during the interviews with Auditors be discussed with her.

44.21 MEETING WITH THE MINISTER

44.21.1 Mrs Loughran referred to the planned meeting with The Minister of Health on 19th July. Ms Shaw indicated that she has liaised with Ms McDaniel in respect to the next approach in preparing for the meeting.

44.21.2 Ms Shaw indicated that the meeting should provide the Minister with a better understanding of the nature of our work, recognise how crucial it is and ensure that the Minister is aware of the workforce pressures and necessary recurrent funding to allow us to meet our statutory duty.

44.21.3 The Board discussed the layout of the planned meeting and assigned areas of discussion to specific Board Members.

45.21 SUPERVISION POLICY

45.21.1 Mrs Loughran referred to the *Supervision Policy* (reviewed). She indicated this was a review of the policy and not a consultation. Mrs Fallon confirmed the policy has been through the Social Care Governance Committee where it was discussed and approved.

45.21.2 Mrs Loughran queried the difference between induction for self-employed Guardians and employed staff and Mrs Fallon confirmed there was no difference in the process. She indicated she would amend the Policy to be more reflective of this. Mrs Fallon noted a supervision meeting with self-employed contractors is called a service review and clarifies the required distinction in oversight and assurance for self-employed contractors and employed guardians.

45.21.3 Mr Smyth indicated that Internal Audit would be reviewing the Supervision Policy and its operation. He stressed the need to ensure that all elements of the policy which are being audited are being met.

45.21.4 Mrs Fallon confirmed there have been 2 sharing sessions with Guardians to date and the policy has generally been welcomed. She noted she will keep a record of meetings with staff which will be shared with the SCG Committee and will also be made available for Internal Audit.

45.21.5 Mrs Callaghan complimented Mrs Fallon on completing the Supervision Policy, which was approved by the Board.

46.21 ISSUE OF HSC BOARD MEMBER HANDBOOK (MAY 2021)

46.21.1 Mrs Loughran referred to the *Issue of the HSC Board Member Handbook – A Resource to Support the Delivery of Safe and Effective Care, IHRD 01/2021*.

46.21.2 Mr Brown indicated that he would prepare a workshop for the Board to discuss the handbook in October/November 2021. Mr Wilson agreed to assist Mr Brown.

47.21 BOARD COMMITTEE MEETINGS SINCE LAST MEETING OF THE BOARD

47.21.1 Mrs Loughran noted that there were three meetings of Board Committees since the last meeting of the Board.

47.21.2 **Social Care Governance Committee:** There was a meeting of the Social Care Governance Committee on 20th May 2021. Mrs Loughran referred to paper summarising the business of the meeting and the Board noted same.

47.21.3 **Audit & Risk Committee:** There were two meetings of the Audit & Risk Committee on 27th May 2021 and 24th June 2021. Mrs Loughran referred to the paper summarising the business of the meetings. The Board noted same.

48.21 DEPARTMENTAL/OTHER CORRESPONDENCE

NIGALA Allocation 2021-22

48.21.1 Mr Brown noted that an Opening Allocation Letter (NIGALA1) was issued 7 May 2021, confirming a resource of £4,409,310. He noted that further correspondence (NIGALA02) was issued on 1 July 2021 confirming an increase in RRL to £4,565,310.

Duty of Candour

48.21.2 Mrs Loughran referred to correspondence received from the Minister of Health regarding *Consultation on Policy Proposals for a Duty of Candour and Being Open, SUB—0682-2021*. She queried the requirements of the Agency.

- 48.21.3 Ms Shaw indicated that she would prepare a position paper on behalf of the Agency and circulate for comment to the Board and Staff accordingly. The consultation period is open until 2nd August 2021. She referred to the BASW NI position paper, circulated for information.
- 48.21.4 The Board discussed the Agency's position and Ms Shaw highlighted she felt there should not be an issue accepting organisational duty of candour. She noted this refers only in instances of significant harm or death. Following discussion, Mrs Loughran indicated that duty of candour for individual members of staff may be more of a point of controversy.
- 48.21.5 Mr Wilson indicated he that he disagreed with the position of the professional paper which does not support the individual duty of candour; Mrs Loughran asked he liaise directly with Ms Shaw in respect of the Agency's position paper.
- 48.21.6 Ms Shaw indicated she would keep in contact with the Board in respect of this position paper.

49.21 ANY OTHER BUSINESS

- 49.21.1 There was no other business for discussion.

50.21 CONFIDENTIAL ITEMS

- 50.21.1 The Board updated on confidential business.

Mrs Loughran thanked all those involved in the preparation of the papers and for their contribution to the NIGALA Board meeting. She also thanked Mrs Andrew for her very accurate minute taking.

END TIME: 12:45am

DATE OF NEXT BOARD MEETING: 9TH SEPTEMBER 2021, 9.30AM

Chair of the Board

A C T I O N L I S T

Ref	Action	By Whom	Progress Noted for Meeting
20.21.5 Chair & Non-Executive Directors Briefing: HSC Structures	Mr Brown & Ms Shaw to look at the Future Structures of the Health Service in Northern Ireland and bring for discussion to the next Board Meeting.	Mr Brown/ Ms Shaw	<i>Carried forward to next meeting</i>
39.21 Operations Report	Information on Caseloads to be shared with the Board before circulation to staff.	Ms Shaw Ms O’Kane Mrs Fallon	