

NI GUARDIAN AD LITEM AGENCY - BOARD MEETING

11th APRIL 2019

- Present:** Mr Bernard Mitchell, *Chair*
Mr Peter Reynolds, *Chief Executive*
Mr Fred Smyth, *Non-Executive Director*
Mr Lee Wilson, *Non-Executive Director*
Dr Karen Winter, *Non-Executive Director (by video link)*
- In Attendance:** Mr Sean Brown, *Corporate Services Manager*
Miss Patricia O’Kane, *Assistant Director*
Mr John Sheldon, *QA & Training Manager*
- Apologies:** Mrs Gillian McGaughey, *Non-Executive Director*
- Minute Taker:** Mrs Ann Andrew, *Administration Manager*

START TIME: 9.30am

Mr Mitchell welcomed Mr Lee Wilson, newly appointed Non-Executive Director, wef 8th April 2019.

16.19 DECLARATION OF INTEREST

- 16.19.1 Mr Mitchell provided an opportunity for the Board members to identify any conflicts of interest in respect of today’s agenda. None were noted.

17.19 MINUTE OF LAST MEETING

- 17.19.1 The minute of the previous meeting of 14th February 2019 was agreed as an accurate record of the meeting and approved. Mr Mitchell thanked Mr Smyth for chairing the last meeting of the Board on his behalf.

18.19 MATTERS ARISING

- 18.19.1 Mr Mitchell referred to the action list from the previous meeting noting the outcomes of each.

18.19.2 Mr Mitchell queried the progress on Legal Aid digitalisation. Mr Reynolds confirmed this has been delayed until July 2019; consultation in respect of signing off legal aid forms is currently ongoing with solicitors.

19.19 CHAIR & NON-EXECUTIVE'S BRIEFING

19.19.1 **NIGALA Chair Position:** Mr Mitchell indicated that the position of Chair has yet to be filled and he has agreed to continue in post until the end of the year. He noted that the Department have acknowledged his wish that the position be re-advertised as quickly as possible.

19.19.2 **Non-Executive Director Positions:** Mr Mitchell indicated that the DoH have asked him to liaise with each Non-Executive Director to seek agreement to a 12 month extension to their appointment. He confirmed he will speak directly with each Non-Executive Director in this regard and respond accordingly. Mr Smyth reinforced the need for early advertisement of the vacant positions.

19.19.3 **Increase in NED Hours:** Mr Mitchell indicated he has written to the DoH seeking consideration of this and a review is currently underway.

20.19 CHIEF EXECUTIVE'S BRIEFING

20.19.1 Mr Reynolds referred to his *CEO Briefing Report* updating the Board on progress in a number of areas. He made specific mention of the following:-

- **Shadow Family Justice Board:** Mr Reynolds confirmed that the Shadow Family Justice Board are reviewing issues around Article 56 applications.
- **Industrial Tribunal:** Mr Reynolds confirmed that dates have been scheduled for a July hearing.
- **Signs of Safety:** Mr Reynolds confirmed that a number of awareness raising sessions have taken place for Legal Practitioners and Judges: other dates will follow. Mr Smyth queried progress in respect of the implementation of signs of safety. There was discussion around this and Mr Reynolds indicated that the out workings would take some time to realise, a least a year. Mr Smyth noted he would like to see the implementation plan for signs of safety, the roll out plan, etc. Mr Mitchell noted he would discuss this with Mr Reynolds after the meeting and see what would be available for members for information.

ACTION: Mr Mitchell and Mr Reynolds to liaise about Signs of Safety regional implementation plan and see what would be available for members for information.

- **Adverse Incidents:** Mr Reynolds confirmed there were three incidents reported during the 2018-19 year. There was discussion in respect of social media postings against Guardians. Mr Reynolds indicated that the Agency will always liaise with the related HSC Trust and initiate a joint response and the Police and Courts will be informed as appropriate on any such instances. Miss O’Kane confirmed that work has been ongoing with NISCC about the control of social media accounts of social workers. Dr Winter confirmed that QUB have a University wide social media policy and would see if this could be shared for information. Mr Brown indicated he would also seek similar policies from other HSC bodies. A paper will be prepared on same for the next Audit & Risk Committee meeting.

ACTION: Mr Brown to prepare a paper on responding to Social Media for the Audit & Risk Committee.

21.19 UK Stakeholder Engagement

- 21.19.1 Mr Reynolds referred to the paper on *UK Stakeholder Engagement*. He confirmed that he and Mr Brown recently met with CAFCASS and Children 1st and there are similar issues facing each organisation as well a regional issues.
- 21.19.2 Mr Reynolds noted that NIGALA aim to hold an annual summit with representatives from England/Wales, Scotland and South of Ireland which will allow for discussion of similar issues and challenges faced. Mr Mitchell noted he was pleased that 4 country engagement was taking place and looked forward to seeing outcomes reflected in future business plans.

22.19 FINANCE & PERFORMANCE REPORT

- 22.19.1 Mr Mitchell referred to the *Finance and Performance Report* providing the Board with a response to the NIGALA 2019-20 indicative budget. Mr Brown also referred to the *Resource Budget Allocation Letter 2019/20* from DoH. He confirmed a response to the proposed savings is due with the DoH by 30th April 2019. Mr Brown indicated he would share the budget proposals at the Group Guardian meeting next week.

22.19.2 Mr Brown confirmed in 2018-19 there had been a retirement of a number of Guardians ad Litem allied with a delay in recruitment by BSO. This had contributed to a surplus position as at year end. Mr Brown confirmed that feedback on recruitment delays have been fed back to BSO Recruitment and HR alike. He confirmed that NIGALA was forecast to breakeven at year end.

Performance Overview

22.19.3 Mr Brown took the Board through the overview of KPIs as at 31st March 2019 and they noted the rating on each. There was discussion in respect of *KPI3: Children and Young People's Satisfaction* and Mr Brown explained the current process for feedback and what will be happening going forward following the implementation of the 'feedback app'. Mr Mitchell requested that consideration be given to including an *Increase in Feedback* in the 2019-20 Business Plan as an objective. Mr Brown indicated that Mrs Fallon was scheduled to provide a report on Feedback to the next Board meeting.

ACTION: *Increase in Feedback* be considered for inclusion in the 2019-20 Business Plan as an objective.

ACTION: Mrs Fallon to provide an overview report on *Feedback* to the next Board meeting.

22.19.4 The Board referred to *KPI4: Supervision* and Miss O'Kane confirmed that supervision sessions are under way with Guardians. She indicated a low response rate to the supervision questionnaire.

Workflow

22.19.5 Mr Brown referred to the Workflow diagram and discussed the caseload with the Board. He noted the 175 cases over 400 days and confirmed the actions being undertaken to help address these.

Resource Budget Allocation 2019-20

22.19.6 Mr Brown referred to the ***NIGALA Resource Budget Allocation Letter 2019-20*** highlighting the savings requested, which must be recurrent. He highlighted the stipulations of stated savings ie must not affect any statutory duty, have an impact on the services, etc.

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- 22.19.7 Mr Brown discussed the potential **Response to the Indicative Budget 2019-20** and took the Board through the breakdown of the forecast. Mr Brown noted the only way to save the amount requested was by reducing headcount and given that VER and VES is not available this would be through natural wastage. The use of the self-employed panel was discussed and it was suggested that consolidation monies be sought to continue to support the funding of the panel: a business case should be written in respect of same.
- 22.19.8 Mr Brown and Mr Reynolds confirmed that a loss of funding would have an impact on compliance with the Statutory Functions of the Agency e.g. lead to a delay in proceedings, not being able to have a Guardian appointed for first hearing, etc. In addition to the impact on the service, a possible rise in inflation will also impact the goods and services budget.
- 22.19.9 Mr Reynolds referred to the strategic plans to implement the new positions of ‘Principal Guardian’ positions and indicated that without sufficient funding these could not proceed. It was suggested that consideration be given toward seeking funds from the *Transformation Project* to fund these positions:
- 22.19.10 Mr Mitchell summarised the discussion, indicating that a reduction in Guardians would have an immense impact on the Agency’s service to children, the morale of staff and potentially lead to a failure to meet its statutory legislative requirements.
- 22.19.12 Mr Mitchell suggested that all savings which have been made year on year, and other financial pressures in 2019/20, should be included in the response. Mr Smyth highlighted the ongoing issues of workforce planning. Possible Brexit costs are also to be included.
- 22.19.13 Mr Brown is to update the Response to the Indicative Budget 2019-20 in light of today’s discussion and, following the planned consultation with staff, forward a draft to Board Members for their comment and urgent return prior to submission to the Department.

ACTION: Mr Brown to update the Response to the Indicative Budget 2019-20 and forward to Board Members for their comment and urgent return prior to submission.

ACTION: Mr Brown to prepare a Business Case for consolidation monies in support of the Self Employed Panel of GALs

ACTION: Mr Brown to look at accessing Transformation Monies in support of the proposed ‘Principal Guardian’ positions.

23.19 END OF YEAR GOVERNANCE STATEMENT

- 23.19.1 Mr Mitchell referred to the *NIGALA Governance Statement 2018-19* and Mr Brown spoke to this highlighting that the input from the Head of Internal Audit has yet to be received. He did however confirm that he was not aware of any issues that might be raised.
- 23.19.2 Mr Brown highlighted that going forward the Corporate Services Managers (ALBs) plan to have a workshop to confirm what is required of them following the cessation of Controls Assurance Standards.
- 23.19.3 Mr Mitchell provided an opportunity for any comments or queries from members and some minor amendments were proposed. It was agreed that the Audit & Risk Committee should continue to monitor the audit findings of BSO Shared Services and continue to seek assurance for work undertaken by BSO.
- 23.19.4 Following discussion it was agreed that there should also be reflection on the impact of placement of children outside of the jurisdiction and the ability for staff travel and to act in response to a court order.
- 23.19.5 Mr Wilson queried if the qualifications of Guardians would be recognised over the North/South border after Brexit. Mr Reynolds confirmed that this has already been raised by BASW and it has been agreed that they will be recognised. Mr Brown confirmed that NISCC have also been working on this.
- 23.19.6 Mr Brown indicated that the draft Governance Statement will be forwarded to the DoH who will return it with any other suggested amendments. The final statement will come before the Board for approval as part of the Annual Report and Annual Accounts at the next meeting.
- 23.19.7 The Board approved the *Governance Statement 2018-19* subject to the amendments discussed.

ACTION: Mr Brown to update the *NIGALA Governance Statement 2018-19* to reflect the proposed amendments discussed.

24.19 RISK MANAGEMENT POLICY AND STRATEGY

- 24.19.1 Mr Brown referred to the *Risk Management Policy and Strategy 2019-21* setting out the arrangements in place for the management of risk in NIGALA for the next two years. The strategy is in line with revised DoH guidance.
- 24.19.2 Mr Brown indicated that the biggest change to Risk is around ‘risk classification’ and he referred the Board the new table at the end of the document detailing same.
- 24.19.3 Mr Mitchell referred to ‘risk appetite’ and how this is formally decided. Mr Smyth noted that this was also discussed at the Audit & Risk Committee and Mr Brown indicated that he is preparing a paper on same for discussion at the next meeting of the Audit & Risk Committee. Mr Smyth indicated he would keep the Board updated appropriately.
- 24.19.4 Mr Mitchell noted a few minor amendments to be made to the Strategy. Mr Wilson highlighted that the CEO and Chair should also be included in raising any Risks at each meeting of the Board. Mr Brown indicated he would update the Strategy accordingly.
- 24.19.5 The Board approved the *Risk Management Policy and Strategy 2019-21* subject to the changes discussed.

ACTION: Mr Brown to update the *Risk Management Policy and Strategy 2019-21* to reflect the changes discussed.

25.19 BOARD COMMITTEE ANNUAL REPORTS

- 25.19.1 Mr Mitchell referred to the Annual Report of each of the Board Committees.
- Annual Report of the Audit & Risk Committee***
- 25.19.2 Mr Smyth referred to the *Annual Report of the Audit Committee* providing an update on the work of the Committee for the year 2018-19.
- 25.19.3 Mr Smyth indicated that was a minor change to the report: an amendment stated that ... *on occasion the Chair has attended the Audit & Risk Committee meetings*. He also highlighted that ... *there have been no Priority 1 findings by Internal Audit*.

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- 25.19.4 Mr Brown highlighted that the end of year opinion from Ms Catherine McKeown, Head of Internal Audit has not been received to date and is therefore not included in the annual report.
- 25.19.5 Mr Smyth raised the role of the Information Governance Committee and possible transfer of some business to the Audit & Risk Committee. He discussed this with the Board and indicated that Mr Brown will be bringing a paper to the next Information Governance Committee with recommendations about same.
- 25.19.6 Mr Smyth noted his thanks to Mr Brown and colleagues for support throughout the year.

Annual Report of the Information Governance Committee

- 25.19.7 Mr Smyth referred to the *Annual Report of the Information Governance Committee* providing an update on the work of the Committee for the year 2018-19.
- 25.19.8 Mr Smyth indicated that GDPR was one of the main agenda items throughout the year. Mr Mitchell noted the past year will have given time for this to be embedded into the organisation. The Board were in agreement and Mr Smyth highlighted the importance of ensuring the regimes are working and procedures are being followed appropriately.

Annual Report of the Social Care Governance Committee

- 25.19.7 Dr Winter referred to the *Annual Report of the Social Care Governance Committee* providing an update on the work of the Committee for the year 2018-19. She indicated that the Committee has moved from an operational focus to that of an overseeing and seeking assurance.

26.19 BOARD COMMITTEE MEETINGS SINCE LAST MEETING OF THE BOARD

- 26.19.1 Mr Mitchell indicated that since the last meeting of the Board there has been two meetings of the Board Committees.
- 26.19.2 The *Audit & Risk Committee* met on 7th March 2019 and the *Information Governance Committee* met on 5th March 2019. The Board noted the reports providing detail of the business discussed at each meeting.

27.19 DEPARTMENTAL CORRESPONDENCE

NIGALA Allocation Letter 2019-20

27.19.1 Mr Mitchell referred to the *Resource Budget Allocation Letter 2019/20* issued by DoH, Ref: HE1/19/2457 NIGALA1. The Board noted the correspondence which was discussed earlier.

Partnerships between Departments and Arm’s Length Bodies: NI Code of Good Practice

27.19.2 Mr Mitchell referred to the new *Partnerships between Departments and Arm’s Length Bodies: NI Code of Good Practice*. He asked that this be forwarded to Board members for information and discussed at the next Board meeting.

ACTION: Partnerships between Departments and Arm’s Length Bodies: NI Code of Good Practice to be circulated to Board members and discussed at the next Board meeting.

28.19 ANY OTHER BUSINESS

28.19.1 There was no other business for discussion.

29.19 CONFIDENTIAL ITEMS

29.19.1 There were no items for discussion.

END TIME: 11.35AM

DATE OF NEXT MEETING: THURSDAY 4th JULY 2019 @ 9.30AM

Chair of the Board

ACTION LIST

OPEN ACTIONS

	Action	By Whom	Progress Noted for Meeting
<p>20.19.1 Chief Executive’s Briefing: Signs of Safety</p> <p>Adverse Incidents</p>	<p>Mr Mitchell and Mr Reynolds to liaise about Signs of Safety regional implementation plan and see what would be available for members for information.</p> <p>Mr Brown to prepare a paper on responding to Social Media for the Audit & Risk Committee.</p>	<p>Mr Mitchell/ Mr Reynolds</p> <p>Mr Brown</p>	
<p>22.19 Finance & Performance Report</p> <p>Performance Overview</p> <p>Resource Budget Allocation 2019-20</p>	<p><i>Increase in Feedback</i> be considered for inclusion in the 2019-20 Business Plan as an objective.</p> <p>Mrs Fallon to provide an overview report on <i>Feedback</i> to the next Board meeting.</p> <p>Mr Brown to update the Response to the Indicative Budget 2019-20 and forward to Board Members for their comment and urgent return prior to submission.</p> <p>Mr Brown to prepare a Business Case for consolidation monies in support of the Self Employed Panel of GALs</p> <p>Mr Brown to look at accessing Transformation Monies in support of the proposed ‘Principal Guardian’ positions.</p>	<p>Mr Reynolds/ Mr Brown</p> <p>Mrs Fallon</p> <p>Mr Brown</p> <p>Mr Brown</p> <p>Mr Brown</p>	
<p>23.19 End of Year Governance Statement</p>	<p>Mr Brown to update the <i>NIGALA Governance Statement 2018-19</i> to reflect the proposed amendments discussed.</p>	<p>Mr Brown</p>	

24.19 Risk Management Policy and Strategy	Mr Brown to update the <i>Risk Management Policy and Strategy 2019-21</i> to reflect the changes discussed.	Mr Brown	
27.19.2 Department Correspondence: Partnerships between Departments and Arm’s Length Bodies: NI Code of Good Practice	Partnerships between Departments and Arm’s Length Bodies: NI Code of Good Practice to be circulated to Board members and discussed at the next Board meeting.	Mr Reynolds/ Mr Brown	