

NI GUARDIAN AD LITEM AGENCY - BOARD MEETING

16th FEBRUARY 2017

Present:	Mr Bernard Mitchell, <i>Chair</i> Mr Peter Reynolds, <i>Chief Executive</i> Mr Fred Smyth, <i>Non-Executive Director</i> Dr Karen Winter, <i>Non-Executive Director</i>
In Attendance:	Ms Teresa Fallon, <i>Assistant Director</i> Miss Patricia O’Kane, <i>Assistant Director</i> Mr John Sheldon, <i>Quality Assurance & Training Manager</i> Mrs Suzan Rogers, <i>Guardian Ad Litem – ITEM 1.17</i> Mr Paul Comac, <i>Consultant HSC Leadership Centre – ITEM 10.17</i>
Apologies:	Mrs Gillian McGaughey, <i>Non-Executive Director</i> Mr David Watters, <i>Non-Executive Director</i>
Minute Taker:	Mrs Ann Andrew, <i>Administration Manager</i>

START TIME : 9.40am

1.17 SERVICE DELIVERY

- 1.17.1 Mr Mitchell welcomed Mrs Suzan Rogers, Guardian ad Litem to the meeting. Mrs Rogers and Ms Fallon provided the Board with an overview of the ‘Snapshot Study of Children’s Participation in Court Proceedings’. Ms Fallon noted a snapshot study on how children working with Guardians Ad Litem have participated in court proceedings in Northern Ireland over a six month period; a total of 33 guardians contributed to the study which involved a total of 94 children.
- 1.17.2 Ms Fallon indicated that a presentation of the snapshot was given to Lord Justice Gillen and he was very keen that NIGALA provide training to members of the judiciary on same.
- 1.17.3 Ms Fallon noted that children in all adoptions go to see the Judge, whilst in specified cases the percentages are considerably lower. Increasingly though, in Care cases and Article 56 cases there are more children now participating. She confirmed there is regional variation of practice dependent upon Court and Judge.

- 1.17.4 Ms Fallon noted that in the study a total of 23% of children wrote letters to the Judge; a sample letter is provided in the NIGALA pack to allow children to do this.
- 1.17.5 Ms Rogers provided an example of practical response to the developments and took questions from the Board. She indicated that in one particular case, a template for the child to meet with the Judge was devised. She noted the Judge indicated that he would like this template used in future meetings. The Board discussed registering this template as one of NIGALA's by assigning the NIGALA logo.
- 1.17.6 Mr Reynolds noted that the Honourable Mr Justice O'Hara is also keen to have training provided to the judiciary and it was agreed that the template for children meeting with Judges should be introduced at this point for information, with a view to a future awareness raising/training event.
- 1.17.7 The Board noted the excellent piece of work involving children/young people and Dr Winter indicated that the Agency should consider the training provided being accredited through the Law Society & Judicial Studies Board as a course for communication with children.

Mrs Rogers left the meeting.

2.17 CONFLICT OF INTEREST

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

3.17 MINUTE OF PREVIOUS MEETING

- 4.17.1 The minute from the last meeting on 14th December 2016 was noted as an accurate record and approved.

4.17 MATTERS ARISING

- 4.17.1 The matters arising and action plan from the previous meeting were reviewed and the Board noted progress on the actions listed. Specific mention was made to:-
- **78.16 Business Performance Report:** Mr McAllister confirmed that the NIGALA request for a routine travel cost report from HRPTS has been noted in a change control list although it was unclear when this will be accommodated. He indicated that a workaround is currently in place despite being unsatisfactory. Mr Mitchell indicated this should be followed-up through discussion about the SLA.

- **79.16 Accountability Meeting Review:** Mr Reynolds indicated he had provided a report on anonymised social factors to the Department in respect of Looked After Children. Mr Mitchell suggested that Mr Reynolds routinely meet informally with Ms McDaniel to keep updated on issues.

5.17 CHAIR & NON-EXECUTIVE DIRECTOR'S BRIEFING

- 5.17.1 **Board Effectiveness Meeting:** Mr Mitchell confirmed that he had met with the CEO and Corporate Services Manager on 17th January 2017 to review the new DoH Board Self-Assessment Guidance and the recent NIAO paper on Board Effectiveness. Mr Reynolds/Mr McAllister to prepare a brief paper on the issues identified as part of the annual review of Board Effectiveness. An agenda for the Board Effectiveness workshop is to be prepared.

ACTION: Mr Reynolds/Mr McAllister to prepare a brief paper on the issues identified as part of the annual review of Board Effectiveness.

ACTION: Agenda for the Board Effectiveness workshop is to be prepared.

ACTION: Meeting to be arranged for the Board Effectiveness workshop.

- 5.17.2 **Health & Wellbeing 2026 – Delivering Together HSC Transformation:** Mr Mitchell confirmed that following an invite from the Permanent Secretary, he attended the launch of the *Health and Wellbeing 2026 – Delivering together HSC Transformation* plan on 21st December 2017. He indicated there was a lot of the focus on the work from HSC Trusts and noted the Department would be taking a more regional approach to a number of areas.

- 5.17.3 **QUB Postgraduate School and NI Public Bodies: Mentoring Scheme:** Mr Mitchell noted he had received correspondence from The Commissioner for Public Appointments Northern Ireland (CPANI) asking NIGALA to be involved in the collaboration between QUB and the NI Public Sector. He confirmed that after consultation with members, he had indicated agreement that NIGALA could assist and highlighted that any Board member can be involved. Dr Winter suggested that Mr Mitchell would be ideally placed to undertake such mentoring, which was agreed. Mr Reynolds noted he was also happy to be involved.

- 5.17.4 **DHSSPS Review of Whistleblowing Arrangements:** Mr Mitchell confirmed that NIGALA will be involved in a *DHSSPSNI Review into HSC Whistleblowing Arrangements* in March 2017. He confirmed that Mr McAllister is the contact for liaison purposes.

6.17 CHIEF EXECUTIVE'S BRIEFING

6.17.1 Mr Reynolds referred to the *CEO Briefing for NIGALA Board* and updated the Board on a number of areas.

6.17.1 **Review of SMT Structures/Functional Areas:** Mr Reynolds noted that the SMT have undertaken some work with Kevin Clarke, HR BSO in respect of discussing a number of organisation structural options. He noted that the Agency is still an Assistant Director down which impacts on supervision/appraisal of staff. This also has a financial impact and consideration will be given to an acting up position in the new financial year.

6.17.2 **Progress on Supervision Arrangements:** Mr Reynolds noted that a lot of work has been completed in regard to supervision arrangements and progress on the revised supervision policy will be reported to the Audit Committee on 1st March 2017. The revised policy will be going out for staff consultation in the near future. Mr Reynolds reported that Internal Audit Findings all referred to reporting arrangements for monitoring supervisions/appraisal completed; following discussion it was agreed these will be incorporated into the Business Performance Report.

ACTION: Supervision/Appraisal meetings completed to be reported in the Business Performance Report.

6.17.3 **Workload Pressures:** Mr Reynolds noted that workload has been increasing and the DoH have been notified of the caseload pressures.

6.17.4 **Finance:** Mr Reynolds confirmed that it is anticipated that NIGALA will breakeven following the agreement of additional funds being provided; he noted the Agency is awaiting a letter of confirmation for same.

6.17.5 **Systemic Team Coaching:** Mr Reynolds provided an update on a programme of work for SMT involving Niamh Shiells. Mr Mitchell indicated that an end point for the programme of work should be set.

ACTION: Mr Reynolds to ensure an end point to the current programme of Coaching was put in place.

6.17.6 **HR Policies:** Mr Reynolds confirmed that the regional Family Friendly and Leave policies have been through the consultation process with staff and Trade unions. They are now operational within NIGALA.

6.17.7 **Adoption and Children Bill:** Mr Reynolds noted that the draft Adoption and Children Bill was issued for public consultation on 16th January 2017. He indicated that

Ms O’Kane, Assistant Director is taking the lead role in preparing the NIGALA response by 10th April 2017.

- 6.17.8 **NIGALA Solicitor Panel:** Mr Reynolds noted the inaugural meeting of the Guardian/Solicitor Reference Group was held on 19th December 2016 following the agreed terms of reference. The Panel discussed NIGALA less paper working strategy, the re-establishment of the Legal Issues Group and the Procedure for the Appointment of Solicitors. A meeting with the DoJ has been arranged to discuss revisions to civil legal aid and remuneration; consideration will be given to any implications in respect to the operation of the NIGALA Panel.

Ms O’Kane indicated that internal audit started a review of the NIGALA Solicitor Panel on 6/2/17; this has been reported as positive to date.

- 6.17.9 **Social Work Strategy and Meeting with the DoH:** Mr Reynolds noted the Mr Sean Holland came to the NIGALA Office to discuss the Social Work Strategy with staff. The Agency has also been invited to contribute to a discussion about ‘the role of social work to improve people’s social wellbeing’.

7.17 FINANCE

Financial Performance Report

- 7.17.1 Mr Mitchell referred to the *Financial Budget and Performance Report 2016/17* detailing expenditure against budget to the end of December 2016 based on the 2016/17 RRL.
- 7.17.2 Mr McAllister indicated that at month 9 there is an overspend of -£19,506; it is anticipated that by year end this will have grown to -£31,000. He took the Board through the Pay and Non-Pay areas of budget providing detail as to the costs incurred, and it was agreed that these should be reviewed to minimise any carry over into 2017/18.
- 7.17.3 Mr McAllister reported that the Prompt Payment target is on schedule for being met by year end.
- 7.17.4 Mr McAllister referred to the financial overspend and confirmed that the DoH are assisting the Agency with breaking even. He confirmed that the Agency did not use the annual leave accrual costs.
- 7.17.5 Mr Mitchell noted his thanks to the Executive Team and acknowledged a lot of work has been put into achieving break even for the Agency.

NIGALA Savings Plan

- 7.17.6 Mr Mitchell referred to the *NIGALA Savings Plan Scenarios 2017/18 response to DoH*. He confirmed NIGALA provided a final plan to the DoH following a workshop with the Board on 24th January 2017 and discussions with the DoH Sponsor Branch on 18th January 2017.
- 7.17.7 He referred the Board to the Planning Scenarios as laid out in the NIGALA response to the DoH for in respect of a possible reduction in allocation for 2017/18. He confirmed that to date no response has been received back from the Department in respect of allocation in RRL next year.
- 7.17.8 Mr Reynolds indicated that a legal opinion has been sought on NIGALA introducing a waiting list or capping allocations. Mr Mitchell asked that this be chased up and staff updated accordingly.

8.17 BUSINESS PERFORMANCE REPORT

- 8.17.1 Mr Mitchell referred to the *Business Performance Report* and Mr McAllister reported that as 31st January 2017 there has been a 10% increase in case numbers over the same period last year. Care applications have also increased by a further 27% when compared with the same period last year.
- 8.17.2 Mr McAllister noted that of the 645 new appointments in the period 1st April 2016 – 31st January 2017, a total of 187 of these cases have been in the system previously and a total of 44 cases have been transferred from one Guardian to another by the Allocation Manager. He noted that there are more live cases in the system than last year, with a smaller number of Guardians who are carrying a higher capacity of workload. The Board discussed case duration and Ms Fallon referred to the variance in caseload numbers.
- 8.17.3 Mr Mitchell noted that staff have continued to perform to a high standard despite in-year pressures and recorded thanks on behalf of the Board. Mr McAllister noted the absence management statistic stands at 2.66% (as at December 2016), below the 4.30% set target.
- 8.17.4 Mr McAllister referred to case file returns and noted a further reduction in KPI for returning files following closure to 60 days. He noted as at 31st January 2017 there were 7 cases outside the 75 day target involving five guardians. Mr McAllister confirmed that staff have been communicated with. The Board noted they were sensitive to the current pressures on staff and the high numbers of cases awaiting allocation.

9.17 CORPORATE AND BUSINESS PLAN 2017-2021

- 9.17.1 Mr Mitchell referred to the *NIGALA Corporate and Business Plan 2017/2021* indicating that the changes as proposed at a meeting of SMT and the Board, have been tracked.
- 9.17.2 The Board reviewed the Plan along with all proposed tracked changes. A number of minor amendments were suggested and Mr McAllister updated same. Mr McAllister noted that the final report will be forwarded to the DoH.
- 9.17.3 Mr Mitchell referred to the initial meeting with staff to discuss the Corporate and Business Plan noting it was a good meeting which looked at the broad issues and those which needed to be discussed at an early stage. In addition, it was agreed that targeted sessions with relevant stakeholders was the appropriate route in the development of future plans.
- 9.17.4 The Board agreed the *Corporate and Business Plan 2017-2021*.

10.17 INFORMATION GOVERNANCE INDEPENDENT REVIEW

Mr Comac joined the meeting.

NIGALA – Independent Review of Information Governance Policies and Procedures

- 10.17.1 Mr Mitchell welcomed Mr Comac and confirmed for the Board that the Independent Review of Information Governance Arrangements within NIGALA was undertaken by Mr Comac from the HSC Leadership Centre.
- 10.17.2 Mr Comac confirmed he has significant background in information governance within the health and social care setting and was joining the meeting to present his report to the NIGALA Board. Mr Comac noted his thanks to everyone involved for facilitating access to all the required documents and arranging interviews with staff.
- 10.17.3 Mr Comac referred to the detailed Terms of Reference for the review and explained the significant data gathering exercise.
- 10.17.4 Mr Comac noted that following his review, NIGALA does have best practice of infrastructure in respect of information governance when compared to other HSC organisations. He also referred to the Information Commissioner's Office and quoted various supporting statements.

- 10.17.5 Mr Comac explained that NIGALA is a ‘data controller’ in respect of Data Protection. He confirmed that self-employed Guardians ad Litem have a different legal standing than employed staff. He noted that third parties are also classed as data processors.
- 10.17.6 Mr Comac referred to the Conclusions/Recommendations part of his report and indicated his recommendations are that NIGALA should:-
1. *Keep building on Best Practice:* Mr Comac noted that the Agency should not be complacent and provide ongoing staff awareness and continue with the existing proactive approach.
 2. *Email Encryption:* Mr Comac noted that whilst there is not mandate to use automatic email encryption, it is within the mandate of NIGALA and the financial mandate to do so.
 3. *Providing Assurance:* Mr Comac highlighted the need to provide assurance to staff, especially for remote workers. He suggested the Agency proactively contact them about training.
 4. *Data Sharing Agreements:* Mr Comac noted that data sharing agreements should be put in place with solicitors and self-employed guardians, and other relevant third party individuals.
 5. *Lessons Learned:* Mr Comac noted the Agency should consider setting up an Information Governance Lessons Learned section on the Agency’s internet.
- 10.17.7 Mr Comac confirmed it was clear from the interviews that management have a good relationship with staff and they will ask for advice if unsure.
- 10.17.8 The Board discussed the learning of lessons and that it would be helpful to know the lessons learned by other HSC organisations also. NIGALA is to seek information around reporting arrangements within the HSC for identifying lessons learned in respect of information governance.
- 10.17.9 Mr Mitchell thanked Mr Comac for his presentation of findings.
- 10.17.10 A few factual queries were raised and Mr Comac agreed to consider these.
- 10.17.11 Mr Mitchell queried if there is a minimum standard for providing information governance training to staff? Mr Comac confirmed there was no minimum and it is dependent upon the culture of the organisation. Mr Mitchell indicated that face-to-face sessions on an annual basis seems to engage staff well.

ACTION: Seek information around reporting arrangements within the other HSC organisations for identifying lessons learned in respect of information governance.

Response from Information Commissioner's Office

- 10.17.12 Mr Reynolds referred to the response from the Information Commissioner's Office noting their review and overall comments. He indicated that he felt it appropriate that NIGALA maintain liaison with the ICO's office to ensure continued awareness of best practice. Mr Reynolds noted this would be dependent upon the available ICO resources.

ACTION: Mr Reynolds to maintain liaison with the ICO's office to ensure continued awareness of best practice.

Executive Response to External Review of NIGALA's Governance Policies and Procedures and ICO Report

- 10.17.13 Mr Reynolds referred to the comprehensive action plan which reflects NIGALA's response to the incidents, external review and ICO response. He took the Board through the action plan explaining each action and the progress made to date on each.
- 10.17.14 The Board discussed training and awareness of staff and also referred to the sharing of court reports by solicitors and other third parties e.g. Barristers, Expert Witnesses, etc. The Board noted the importance of Guardians ad Litem also taking responsibility for the security of their reports and highlighting to Solicitors etc that they need to take responsibility for the sharing of information.
- 10.17.15 The Board discussed the need to use legal representatives who use the Criminal Justice Secure Mail system (CJSM) for cases. They also noted the need for Experts to be included in the encrypted secure email.
- 10.17.16 Mr Smyth emphasised the need to engage with people and raise the awareness of information security.
- 10.17.17 The Board referred to Point 5 in the report and suggested the inclusion of 'Sharing information at Staff Meetings'. Mr Mitchell noted that information governance would also be included in the 'Director Assurance Statements' provided to the Chief Executive. In addition, information sharing within the HSC should be investigated and also included (10.17.8 refers).
- 10.17.18 The Board approved the Action Plan based on the NIGALA Review/Report from the HSC Leadership Centre and the ICO Response. Mr Reynolds confirmed the action plan will be monitored via the Information Governance Committee and that staff will be updated.

10.17.19 Mr Mitchell noted his thanks to Mr Reynolds, Mr McAllister and Mr Smyth for all their work and effort put into dealing with the incident, and liaison with the Information Commissioner's Office.

ACTON: Mr Reynolds to change the Executive Response to reflect suggested amendments and update staff.

Mr Comac left the meeting.

11.17 COMMITTEES OF THE BOARD SINCE LAST MEETING

11.17.1 **Information Governance Committee:** Mr Smyth confirmed that a meeting of the Information Governance Committee took place on 1st February 2017. He referred the Board to the written update paper provided summarising the business discussed.

12.17 ANY OTHER BUSINESS

12.17.1 **Fundraising Lunch – Frida 24th February 2017, 12noon – 2pm:** Mr Mitchell reminded the Board about the *Fundraising Lunch* being held in memory of a number of NIGALA staff members who were sadly lost in 2016.

12.17.2 **NIGALA Conference:** Mr Sheldon indicated that NIGALA will be holding a conference to celebrate 21 years of NIGALA in November 2017. He indicated he has had confirmation of three excellent speakers for the day and asked Board members to hold 17th & 24th of November in the meantime. Further information and confirmation of date will follow.

13.17 CONFIDENTIAL ITEMS

13.17.1 There were no confidential items for discussion.

END TIME: 12.30pm

DATE & TIME OF NEXT MEETING: 6th APRIL 2017 @ 9.30am

Mr Bernard Mitchell, Chair NIGALA

ACTION LIST

Ref	Subject	Action	Progress noted for Board meeting on 16 th February 2017
OPEN ACTIONS			
65.16	Progress Update on Implementation of Professional Supervision	Proposal on future arrangements for Supervision of Staff including a proposed sustainable structure to be prepared and brought back to the Board for consideration.	In progress reviewed in CEO update (in reference to Internal Audit follow up in March 2017)
86.16	Committees of Board Since Last Meeting	NIGALA Statement to be prepared in respect of Requests for Guardian Records whilst a case is still live.	NIGALA is seeking legal advice on this matter through BSO DLS and a formal statement will be provided in time for the next Board meeting
NEW ACTIONS			
5.17	Chair & Executive Director's Briefing: Board Effectiveness Meeting	Mr Reynolds/Mr McAllister to prepare a brief paper on the issues identified as part of the annual review of Board Effectiveness. Agenda for the Board Effectiveness workshop is to be prepared. Meeting to be arranged for the Board Effectiveness workshop.	
6.17	Chief Executive's Briefing:		
6.17.2	Progress on Supervision Arrangement	Supervision/Appraisal meetings completed to be reported in the Business Performance Report.	
6.17.5	Chief Executive's Briefing	Mr Reynolds to ensure an end point to the current programme of Coaching was put in place.	

10.17	<p>Information Governance Independent Review:</p> <p>NIGALA – Independent Review of Information Governance Policies and Procedures</p> <p>Response from Information Commissioner’s Office</p> <p>Response from Information Commissioner’s Office</p>	<p>Seek information around reporting arrangements within the other HSC organisations for identifying lessons learned in respect of information governance.</p> <p>Mr Reynolds to maintain liaison with the ICO's office to ensure continued awareness of best practice.</p> <p>Mr Reynolds to change the Executive Response to reflect suggested amendments and update staff.</p>	
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