

## NI GUARDIAN AD LITEM AGENCY - BOARD MEETING

### 5<sup>th</sup> JULY 2018

- Present:** Mr Bernard Mitchell, *Chair*  
Mr Peter Reynolds, *Chief Executive*  
Mr Fred Smyth, *Non-Executive Director*  
Dr Karen Winter, *Non-Executive Director*
- In Attendance:** Mr Sean Brown, *Corporate Services Manager*  
Mrs Teresa Fallon, *Assistant Director*  
Miss Patricia O’Kane, *Assistant Director*  
Mr John Sheldon, *QA & Training Manager*  
Mr Michael McCluskey, *Guardian ad Litem - (Item 34.18)*  
Ms Elaine Holmes, *Guardian ad Litem - (Item 34.18)*
- Apologies:** Mrs Gillian McGaughey, *Non-Executive Director*
- Minute Taker:** Mrs Ann Andrew, *Administration Manager*

**START TIME : 9.35am**

#### **34.18 SERVICE DELIVERY PRESENTATION**

- 34.18.1 Mr Mitchell welcomed Mr Michael McCluskey and Ms Elaine Holmes, Guardians ad Litem to the meeting. Both Guardians provided an update on the Professional Development Groups (PDGs). There are eight PDG meetings per annum with staff expected to attend at least four of these. There are three PDGs in Belfast, one in Armagh and one in Derry.
- 34.18.2 Mr McCluskey noted the PDG he is part of has approximately 6-10 staff in attendance. The group discusses a range of professional issues such as judgements which are of interest and specific issues that arise in cases. Information is circulated in advance of the meeting where possible. He provided an example of case law and the issues of interest for information.
- 34.18.3 Ms Holmes confirmed that the PDGs have had bigger emphasis over last 2 years and that her group feel they are a welcome opportunity for issues/concerns to be addressed with colleagues. Each meeting has a rotating chairperson and a minute of the discussion

which is shared with the senior management team for their information. Ms Holmes provided detail of the structure of the meeting which commences with a general catch up by colleagues. Overall, the benefit of the PDGs is that they provide good emotional support, in the form of facilitating peer discussion, on practice issues, articles and judgements etc. She noted that over the last few years, membership has been good and the general response from Guardians would be that they value the group and opportunity for discussions with colleagues. The business of each PDG meeting is normally dictated by the needs of the group at a point in time with an emphasis on peer support and peer mentoring.

34.18.4 Mr Sheldon confirmed there is no established protocol for the groups, but they would follow the coaching approach: Members noted that it might be helpful to consider sharing good practice in operation between groups. Mr Sheldon noted the PDGs are different types of meetings and are about personal development with the Guardians very much in control of the agenda.

34.18.5 Mr Mitchell noted that it was reassuring to know that the groups provide a useful support for staff. Dr Winter acknowledged this performs a critical function and provides networking support for staff. Mr Reynolds noted that no managers attend the groups and trust is a huge part allowing staff to engage fully with peers.

34.18.6 It was noted that feedback from all meetings goes to Mr Sheldon for his information. He indicated that it has always been intended to find a suitable and accessible way to share the learning from the various PDGs but this has yet to happen. There was a suggestion of an area on the staff website dedicated to the groups. Mr Smyth queried what the groups would value and how they would like to see information shared. Mr Reynolds suggested learning could be brought to a skills sharing day. It was agreed that SMT should discuss this further and agree a way forward.

34.18 Mr Mitchell thanked Mr McCluskey and Ms Holmes for attending the meeting and noted the reassurance their update on the Professional Development Groups gives the Board in confirming the groups are operating well and are of value to staff.

## **35.18 DECLARATION OF INTERESTS**

35.18.1 Mr Mitchell provided an opportunity for the Board members to identify any conflicts of interest in respect of today's agenda.

35.18.2 Dr Winter indicated that she is involved in the commissioning of work by VOYPIC and that this is something that should be borne in mind in future meetings.

## 36.18 MINUTE OF PREVIOUS MEETING

- 36.18.1 The minute of the previous meeting of 19<sup>th</sup> April 2018 was agreed as an accurate record and approved.
- 36.18.2 Mr Smyth referred to *Signs of Safety* discussion under the Chief Executive's Briefing (21.18.1) and requested it be added as an action that someone attend the Board Meeting to provide an overview of Signs of Safety; and overview paper should be forward to Board Members in advance.

**ACTION: Training on 'Signs of Safety' to be facilitated for Board Members with a summary overview paper to be provided in advance.**

## 37.18 MATTERS ARISING

- 37.18.1 The matters arising and action plan from the previous meeting were reviewed and the Board noted progress on the actions listed.
- 37.18.2 *26.18 Governance Statement:* Mr Reynolds confirmed that the NIGALA Culture & Climate Action Plan had been formally signed off with Ms McDaniel at the NIGALA Ground Clearing meeting.
- 37.18.3 *Key Performance Indices (KPIs):* Mr Mitchell noted that following discussion at the Social Care Governance Committee, feedback on KPIs for 2018-19 will be discussed at the next SMT Meeting before coming to the Board for discussion/approval.

## 38.18 CHAIR & NON-EXECUTIVE DIRECTOR'S BRIEFING

- 38.18.1 **Board Self-Assessment:** Mr Mitchell confirmed that the Board Self-Assessment, as issued by the DoH, has been duly completed: no concerns were identified. He also reported on the Board Workshop on 11<sup>th</sup> May 2018. A few points arose from the meeting:- (i) the importance of making best use of the induction programme for new Board members, (ii) KPIs to be reviewed and agreed, (iii) consideration to be given to further development work by the Agency with key stakeholders and (iv) the Board should continue to receive notification of training opportunities as they arise. Mr Mitchell advised that all actions have been noted for action as appropriate.
- 38.18.2 **Board Appraisals:** Mr Mitchell confirmed that all appraisals for Non-Executive Directors have been completed and forwarded to the Public Appointments Unit as required. He provided feedback that the Non-Executive Directors appreciate the opening session of the Board meetings (service delivery presentation) and feel it is an important part of

the agenda keeping them in contact with work at the front line. He noted it has been requested that Whistleblowing be included in the induction programme for the new Board Members. Mr Mitchell referred to the new Audit & Risk Committee Handbook which refers to cross departmental working. ; He noted that NIGALA had previously requested that the audit Chair periodically attend a meeting of the DoH Audit & Risk Committee but this had not been agreed at the time. The new Audit & Risk Handbook now recommends such an exercise as beneficial and he indicated he had requested Mr Brown formally raise this with the DoH again; Mr Brown confirmed that he received a response from the DoH stating that they will raise this with the new Chair of the DoH Audit & Risk Committee.

**ACTION: Whistleblowing to be added to the induction for new Board Members.**

**ACTION: Mr Brown/Chair to liaise with the DoH about the chair of the Audit & Risk Committee periodically attending the same Committee in the DoH and associated training and development.**

38.18.3 **Board Appointments:** Mr Mitchell referred to the appointment of a new Chair and Non-Executive Director to the NIGALA Board and confirmed that no feedback has been received from the Public Appointments Unit as yet.

38.18.4 **Accountability Review:** Mr Mitchell referred to the forthcoming Accountability Meeting which is scheduled for 17<sup>th</sup> July 2018. He highlighted several areas that will be discussed. Mr Mitchell provided an opportunity for Board Members to raise any points they felt important for discussion: Mr Smyth raised the importance of cross departmental working and for NIGALA to be aware of all ongoing initiatives as relevant.

## 39.18 CHIEF EXECUTIVE'S BRIEFING

39.18.1 Mr Reynolds referred to his *CEO Briefing Report* which provided an update of ongoing work in a number of areas:-

- **'The Representation of Children in Public Law Proceedings':** Mr Reynolds noted the paper by MoJ is a review of the 'tandem model' of representation, first considered in the Family Justice Review (FJR) in 2011. He noted the review will consider proportional working, how Guardians/Solicitors work together, use of time, attendance at court and looking at what adds value to the case.
- **Common Interest Debate/Stakeholder Engagements:** Mr Reynolds noted that NIGALA had invited stakeholders to discuss the current pressures and problems which exist across the family justice system and which impact on children. A series of engagements have taken place to date including a meeting with members of the

judiciary. The Board noted the significance of such meetings and were pleased at the progress. Mr Reynolds noted there were a number of small positive outcomes.

- **Shadowing Role Request:** Mr Reynolds confirmed that NIGALA received a request from the Department to participate in a shadowing exercise. Mr Mitchell suggested a written protocol to address issues around expectations, confidentiality, etc be included. The Board noted they were content and supportive of the request but stressed the need to ensure appropriate protection of the rights of all those involved.

**ACTION: Mr Reynolds to seek an agreed written protocol with the Department in respect of the Shadowing Role request.**

- **liP:** Mr Reynolds confirmed that liP is currently undergoing its fifth liP review which began in 2006. The questionnaire went out to staff and runs from 13<sup>th</sup> June – 3<sup>rd</sup> July 2018: latest statistics show a 73% response rate. The liP Assessment will take place on 19<sup>th</sup> & 20<sup>th</sup> September 2018 and a third of staff will be interviewed. It was confirmed there will be no further feedback from liP until the final report.
- **Expert Reference Panel on the Establishment of the GAL Executive Office (ROI):** Mr Reynolds noted the Government approval to establish a national Guardian ad Litem service within an executive of the Department of Children and Youth Affairs. It is still at the planning stage and both NIGALA and CAFCASS are involved to help give some shape and definition to the service.

39.18.2 The Board noted the **Summary of CEO Engagements** since last meeting.

## 40.18 PERFORMANCE AND FINANCE REPORT

### Performance

- 40.18.1 Mr Mitchell referred to the *Performance and Finance Report* as at end of May 2018. Mr Brown noted that KPIs have not been amended for 2018-19.
- 40.18.2 Mr Brown highlighted the Workflow position for a rolling 12-month period noting that the number of case requests have matched the number of allocations in the past months: there have however been a rolling core of approximately 20-22 cases which have yet to be allocated. At present approximately two thirds of those cases are Article 56 applications.
- 40.18.3 Miss O’Kane, who is currently the Allocation Manager, noted that the prioritisation procedure for cases is being used and she reassured the Board there are no live cases

without a Solicitor appointed. Dr Winter asked if there was an understanding of why cases awaiting allocation arose? Mr Reynolds indicated there were several factors involved e.g. staff capacity, increased case numbers, increased duration, etc. There were also a number of cases over 400+ days. Mr Smyth queried if this information was being shared with stakeholders? Miss O’Kane confirmed that the pattern of long running cases between HSC Trusts and NIGALA will be discussed. In addition Mr Brown (CSM) is circulating monthly updates to stakeholders, including the judiciary.

## **Finance**

40.18.4 Mr Brown referred the financial performance highlighting expenditure to date. He confirmed that a recruitment exercise for Guardians ad Litem just completed last week. He noted there has already been an increase in the self-employed complement and another self-employed Guardian will start with the Agency in September 2018. Mr Smyth highlighted the importance of forward planning. Mr Brown confirmed that all additional resources have been factored into coming year. He stressed that the Agency would find it extremely difficult to absorb any further pay rises and confirmed he has made this clear to the DoH.

40.18.5 Mr Brown referred to the *Environmental Scan* which highlights the different new items within HSC that may be of interest to the Board. The Board noted the launch of the HSC Workforce Strategy, the Looked After Children Consultation and Launch of the Signs of Safety Training Programme.

## **41.18 REPORT TO THOSE CHARGED WITH GOVERNANCE**

41.18.1 The Board noted the *Report to Those Charged with Governance* and discussed it in conjunction with the Annual Report and Accounts 2017-18.

## **42.18 ANNUAL REPORT AND ACCOUNTS 2017-18**

42.18.1 Mr Mitchell referred to the *NIGALA Annual Report and Accounts 2017-18*. He confirmed the report has been through the Audit Committee on two occasions and has been circulated to Board members for comment which has been noted.

42.18.2 Mr Smyth reported that the Audit Committee reviewed the NIGALA Draft Annual Report and Accounts at its meeting of the 28<sup>th</sup> June. The review was informed by the draft Report to Those Charged with Governance from the Northern Ireland Audit Office Report. On behalf of the Committee Mr Smyth noted the following.

The Report to Those Charged with Governance;

- Sets out an UNQUALIFIED audit opinion on the financial statements
- Made no recommendations in regards to the regularity of the statements or the internal control environment
- Reported 2 misstatements which were both noted and amended. Both errors in the first instance were individually and in aggregate immaterial to the financial statements.

The Committee is content with the amendments being made.

The Committee also reviewed the draft “Letter of Representation” and “Audit Certificate”. Mr Smyth noted the Committee is content with both drafts.

42.18.3 The Committee recommends the NIGALA Annual Report and Accounts 2017-18 to the Board for approval along with the Letter of Representation.

42.18.4 Mr Brown noted the accounts have already been before the Audit Committee on Thursday 28th June 2018, and at that meeting it was agreed the accounts should accrue dilapidation costs for Armagh and Derry/Londonderry and the addition of a short paragraph on workflow as requested by the Audit Committee. Mr Brown confirmed the following:-

- The changes have been made and the relevant sections were tabled for the Board
- The changes have been reviewed by the Auditors and they are content with the amendments.
- The Annual Report and Accounts were recommended to the Board for approval by the Audit Committee

42.18.5 Mr Brown emphasised the following points on the accounts

- The accounts and report have been prepared in line with guidance as issued by the Department of Finance and reviewed by the Auditors in that light.
- The annual report and accounts is in 3 distinct sections
  - The Performance Report
  - The Accountability Report
  - Financial Statements
- The *Performance Report* was brought before the Board on the 19<sup>th</sup> April with suggested amendments included. Following the Audit Committee on 28<sup>th</sup> June a paragraph was on workflow
- The *Accountability Report* consists of the
  - Corporate Governance Report
  - Remuneration and staff report
  - The Accountability and Audit Report

All have been prepared in line with ALB guidance

- The *Financial Statements* show NIGALA has broken even with a surplus of £602 for the year
  - The accounts have been amended in line with the draft RTTCWG from the Northern Ireland Audit Office

42.18.6 Mr Brown confirmed the accounts will now be formally submitted to the Northern Ireland Audit Office and on issue of the audit certificate of the Comptroller and Auditor General laid before the Assembly.

42.18.7 The Board approved the *NIGALA Annual Report and Accounts 2017-18*.

42.18.8 Mr Mitchell noted his sincere thanks to Mr Brown and the senior team. Mr Reynolds noted that SMT is a small team and the work by all is to be commended. Mr Smyth noted this was the cleanest report possible and is formal recognition of the work undertaken by everyone involved.

#### **43.18 ANNUAL REPORT OF AUDIT & RISK COMMITTEE**

43.18.1 Mr Brown referred to the *Audit & Risk Committee Annual Report 2017-18* confirming it was good practice for the Committee to produce an annual report. He confirmed the Committee scrutinises internal audit reports and the Annual Report & Accounts. Mr Brown referred to an internal audit reports on BSO Shared Services and confirmed the committee have sight of these and monitor same.

43.18.2 Mr Brown confirmed the Committee has also completed its annual self-assessment, reviewed its Terms of Reference and have had the DoH attend a meeting.

43.18.3 Mr Smyth noted his thanks to Mr Brown for all his work in respect of the committee. Mr Mitchell noted that other Committees should also provide an annual report on business covered throughout the year for the Board's information. Mr Brown agreed to provide timescales to each Committee Chair in respect of same.

**ACTION:** Mr Brown to provide timescales to each Committee Chair for the preparation of future annual reports on the business of the Committee.

#### **44.18 RISK REGISTER**

44.18.1 Mr Brown referred to the NIGALA Risk Register and took the Board through the Register noting the controls in place, assigned risk level and actions planned for each.



- 44.18.2 The Board discussed each risk and made several amendments.
- 44.18.3 The Board noted the risks on the NIGALA Risk Register and requested the above risks be updated accordingly. It was confirmed that the Audit Committee have requested a session around risk.

**ACTION: Mr Brown to update the NIGALA Risk Register in line with Board discussions and agreed suggestions.**

#### **45.18 PROGRESS ON BUSINESS PLAN OBJECTIVES 2017-18 (END OF YEAR)**

- 45.18.1 Mr Mitchell referred to the *Progress on Business Plan Objectives 2017-18* detailing the progress on business plan objectives as at the end of year 31<sup>st</sup> March 2018. He noted this was satisfactory and confirmed the Board have been kept informed of KPI performance. He reflected on the good work covered in the plan and thanked the senior team for their input. Mr Brown confirmed that end of year progress was discussed at the Ground Clearing meeting where Ms McDaniel responded positively on the performance of NIGALA. Noting that this reflects the work and commitment of the staff of the Agency, the Board noted their appreciation of the feedback.

#### **46.18 ACTION PLAN FROM THE CARE PROCEEDINGS PLAN**

- 46.18.1 Mr Mitchell referred to the *Care Proceedings Pilot – Actions arising and how they apply to NIGALA* which Mr Reynolds spoke to. He indicated the paper provides a summary of the actions arising from the Care Proceedings Pilot which NIGALA can have active input into and is within our domain of control. Mr Reynolds took the Board through his report detailing each of the recommendations and progress by NIGALA in each area.
- 46.18.2 Mr Reynolds highlighted *Recommendation 3* and confirmed the joint NIGALA/HSCT Communication Protocol was formally launched on 4<sup>th</sup> June 2018. This will be reviewed through the HSC Assistant Director Forums which Ms Fallon/Ms O’Kane will be attending.
- 46.18.3 Mr Reynolds referred to *Recommendation 10- Experts* and confirmed that NIGALA is taking a lead role to undertake a review of the joint guidance in the use of Experts. This process will involve the Department of Justice and the Legal Services Agency who are looking at the question of fees. An initial meeting with relevant stakeholders and the Judiciary has already taken place.

- 46.18.4 Mr Smyth referred to the recommendation to have all the relevant information at the start of cases and asked that Mr Reynolds feedback on progress at the next Board meeting. Mr Reynolds indicated he would add this to the Agenda for discussion with Court Services.

**ACTION: Mr Reynolds to add the issue of having all the relevant information at the start of cases to the Agenda for discussion with Court Services. To feedback at the next Board Meeting.**

## 47.18 BOARD COMMITTEE MEETINGS SINCE LAST MEETING OF THE BOARD

### Audit & Risk Committee – 24<sup>TH</sup> May 2018 & 28<sup>th</sup> June 2018

- 47.18.1 The Board noted the update in respect of business covered by the Audit & Risk Committee meeting on 24<sup>th</sup> May 2018 and 28<sup>th</sup> June 2018 respectively.

### Social Care Governance Committee – 21<sup>st</sup> June 2018

- 47.18.2 Dr Winter referred to the update in respect of business of the Social Care Governance Committee on 21<sup>st</sup> June 2018. She noted the development of an overarching Quality Framework which pulls together a number of areas. It was noted the Social Care Governance Action Plan needs a full review.

## 48.18 DEPARTMENTAL CORRESPONDENCE

- 48.18.1 Mr Mitchell referred to correspondence from Mr Andrew Dawson (Acting Director of Workforce Policy, DoH) dated 1<sup>st</sup> May 2018 which highlighted the correspondence from Mr Pengelly, DoH Permanent Secretary (Ref: *RP834*) dated September 2016 stating that no travel outside Ireland or Britain by ALB Chief Executives should take place without his prior consideration and approval. The letter also outlined policy requirements in respect of all travel approved by ALBs.
- 48.18.2 Mr Brown confirmed that a travel audit has taken place in NIGALA (as directed for all HSC bodies). He confirmed a clean audit for NIGALA. Mr Brown noted there will be a recommendation to all bodies to include Mr Pengelly's guidance into all travel policies/procedures. Mr Brown confirmed the audit report will go to the Audit & Risk Committee following receipt and then the related guidance will be actioned.

**49.18 ANY OTHER BUSINESS**

- 49.18.1 **Office Accommodation:** Mr Brown updated the Board including recent communication with the Department. The Board noted their agreement to the approach being taken by executives to date but indicated that the matter would continue to need consideration in line with agreed policy requirements.

**50.18 CONFIDENTIAL ITEMS**

- 50.18.1 There were no items for discussion.

**END TIME: 12.40pm**

**DATE & TIME OF NEXT MEETING: 11<sup>th</sup> SEPTEMBER 2018 @ 2pm**

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**Mr Bernard Mitchell, Chair NIGALA**

## BOARD MEETING - ACTION LIST

Ref	Subject	Action	Person Responsible	Progress for Board meeting – September 2018
19.18	Matters Arising:	Mr Brown to prepare a short paper on Workforce Planning for the October 2018 meeting of the Board.	Mr Brown	On Agenda
36.18.2	Minute of April 2018: Additional Action	Training on 'Signs of Safety' to be facilitated for Board Members with a summary overview paper to be provided in advance.	Mr Reynolds	Summary document on SoS circulated to Board members on the 10 July 2018. Further discussion to be held re NEDs training on same.
38.18	Chair/NED Updates: Board Appraisals	<p>Whistleblowing to be added to the induction for new Board Members.</p> <p>Mr Brown/Chair to liaise with the DoH about the Chair of the Audit &amp; Risk Committee periodically attending the same Committee in the DoH, and associated training and development.</p>	<p>Mr Brown</p> <p>Mr Brown/ Mr Mitchell</p>	<p>Noted.</p> <p>The issue has been raised with the DoH Governance Unit and DoH Audit Committee Chair. DoH have acknowledged the Chairs' Forum facilitated by the Departmental Audit Committee Chair was a valuable vehicle to increase learning and knowledge. The Forum has not met for some time. Arrangements for a Forum meeting will now be made, although it will not take place until Sept/Oct this year at earliest.</p>

Ref	Subject	Action	Person Responsible	Progress for Board meeting – September 2018
39.18	CEO Update: Shadowing Role Request	Mr Reynolds to seek an agreed written protocol with the Department in respect of the Shadowing Role request.	Mr Reynolds	CEO emailed Elaine Lawson DOH on the 10.7.18 for meeting to discuss protocol/TOR
43.18	Annual Report of Audit & Risk Committee	Mr Brown to provide timescales to each Committee Chair for the preparation of future annual reports on the business of the committee.	Mr Brown	
44.18	Risk Register	Mr Brown to update the NIGALA Risk Register in line with Board discussions and agreed suggestions.	Mr Brown	
46.18	Action Plan from the Care Proceedings Pilot	Mr Reynolds to add the issue of having all the relevant information at the start of cases to the Agenda for discussion with Court Services. To feedback at the next Board Meeting.	Mr Reynolds	