

NI GUARDIAN AD LITEM AGENCY - BOARD MEETING
10th OCTOBER 2019

- Present:** Mr Bernard Mitchell, *Chair*
Mr Fred Smyth, *Non-Executive Director*
Mr Lee Wilson, *Non-Executive Director*
Dr Karen Winter, *Non-Executive Director (arrived 9:50am)*
Mrs Gillian McGaughey, *Non-Executive Director (arrived 10:10am)*
- In Attendance:** Mr Sean Brown, *Corporate Services Manager*
Miss Patricia O’Kane, *Assistant Director*
Mr John Sheldon, *QA & Training Manager*
- Apologies:** Mr Peter Reynolds, *Chief Executive*
- Minute Taker:** Mrs Ann Andrew, *Administration Manager*

START TIME: 9.30am

Mr Mitchell noted his heartfelt sympathy to both Mr Reynolds (CEO) and Mrs Fallon (Assistant Director) on their recent bereavements. The Board echoed his sentiments.

46.19 SERVICE DELIVERY PRESENTATION

46.19.1 The Service Delivery Presentation was postponed due to the Guardian ad Litem being called to Court. Ms Breige Savage (newly appointed ‘Principal Guardian Practitioner’) will be in attendance at the next meeting of the Board.

47.19 DECLARATION OF INTEREST

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

48.19 MINUTE OF LAST MEETING

48.19.1 The minute of the previous meeting of 4th July 2019 was agreed as an accurate record of the meeting and approved.

49.19 MATTERS ARISING

49.19.1 Mr Mitchell referred to point 43.19.5 *Second Term of Appointment of chairs and Members to the Board of the Department of Health's Arm's Length Bodies (ALBs)* from the last minute and confirmed that for clarification, Mr Wilson will have to apply for the position of Member of the Board should he wish to be considered for a second term.

49.19.2 Mr Mitchell highlighted that the NI Audit Office have confirmed that in respect of the Annual Report & Accounts, that 'Pension Contributions for Senior Managers over 60 years old' must be detailed in annual reports. Mr Brown confirmed that he will ensure this is included in future years. He indicated he has already spoken with Simon McGrattan and Catherine McDonald about same. He will confirm this in a formal letter to both.

ACTION: Mr Brown to confirm in writing to Simon McGrattan (BSO) and Catherine McDonald (BSO) that 'Pension Contributions for Senior Managers over 60 years old' must be detailed in annual report and accounts going forward.

49.19.3 Mr Mitchell referred to the action list from the previous meeting noting the outcomes of each. There was specific discussion around the following:-

- **20.19.1 Adverse Incidents:** Mr Brown confirmed that a regional piece of work in respect of Social Media policy is being developed.
- **38.19 Update on Supervision Arrangements:** Miss O'Kane referred to her paper on *Developments in Respect of Supervision Arrangements* and updated the Board on the current position. She noted the actions and timelines which will be piloted from November 2019 - April 2020. Subsequent to the identified developments being piloted, the Supervision Policy will be reviewed to reflect agreed changes. Miss O'Kane noted Supervision will form part of the discussions at the Staff Away Day; she indicated she would forward Board Members details/updates after the day. Mr Sheldon confirmed that Professional Development Groups are also ongoing in addition to supervision.

50.19 CHAIR & NON-EXECUTIVE'S BRIEFING

50.19.1 Mr Mitchell briefed the Board in respect of a number of areas:-

- **Non-Executive Director Appraisals:** Mr Mitchell confirmed that appraisals have been completed with members of the Board as appropriate. He reported on

general themes that had arisen through discussions including the value of regular DoH workshops for Committee Chairs/Board members.

- **Information Governance Committee:** It was agreed that Mr Wilson will join the Information Governance Committee as a member, in addition to the Audit & Risk Committee. A formal note to Mr Wilson confirming his appointment is to be arranged.

ACTION: Mr Wilson to be formally appointed in writing as a member of the Information Governance Committee.

- **Conference 2020:** Mr Mitchell confirmed that NIGALA will be a hosting a Conference on 14th February 2020. Board Members are to be kept briefed on the arrangements.
- **Vacant Positions on the Board:** Mr Mitchell confirmed that the position of Chair and Non-Executive Director (Social Work) have both been advertised. He indicated it would be his preference that the newly appointed members come alone to the next Board meeting (December 2019) prior to Dr Winter and himself standing down.
- **Extension of Working Days for Non-Executive Directors:** Mr Mitchell confirmed that the Department have advised that Non-Executive Directors will receive an increase to their number of working days in the year. This will be of great benefit to NIGALA who are constrained by being a small Board.
- **Date of Accountability Meeting:** Mr Mitchell confirmed that the Accountability Meeting is scheduled to take place on 17th December 2019 and will cover the normal agenda issues. The Ground Clearing meeting has been arranged for 17th November 2019.

51.19 CHIEF EXECUTIVE'S BRIEFING

51.19.1 Mr Mitchell referred to Mr Reynold's *CEO Briefing Report* updating the Board on progress in a number of areas. Miss O'Kane spoke to the report making specific mention to the following:-

- **Article 56 Applications:** Miss O'Kane highlighted the need for regional consistency in the approach to Article 56 application and for the HSC Trusts to comply with the 8 week reporting time before Guardians become involved. She

indicated work is ongoing with different approaches in place. Miss O’Kane indicated that there are a substantive number of Article 56 applications on our waiting list which require ongoing management.

- **Guidance on Instructing Expert Witnesses:** Miss O’Kane provided background to the need for guidance on instructing expert witnesses. It is being taken forward by the Shadow Family Justice Board with His Honour Judge Kinney taking a lead.
- **Industrial Tribunal Outcome and Implications for NIGALA Self Employed Panel:** Mr Mitchell indicated that the recent Industrial Tribunal on the status of the self-employed guardians found in NIGALA’s favour. He thanked Mr Reynolds and colleagues for the enormous amount of work involved in preparing for the tribunal. A meeting with DLS and NIGALA has been scheduled to discuss arrangements with the Self Employed Panel going forward.

51.19.2 Mr Mitchell referred to Mr Reynolds’ report *Transformation, Modernisation and Reform* providing a high level oversight of the discussion for the planned Staff Away Day scheduled for 22nd October 2019.

51.19.3 Mr Brown/Miss O’Kane indicated the focus of the day will look at the role of the Guardian ad Litem, refining it, putting parameters around the role and focusing on the key aspects. Mr Brown noted that workstreams have been ongoing over the past year and the outcomes will be discussed on the day. There will also be a need to be clear with the HSC Trusts and the Judiciary about what they can expect from us. In summary the day is about the Agency adapting to survive with less monies and an ever increasing caseload.

51.19.4 The Board acknowledged the complex discussions ahead and how the Guardian role is influenced by changing expectations. Mr Mitchell noted his thanks to the senior management team for the work entailed in preparing for the day.

52.19 FINANCE AND PERFORMANCE REPORT

52.19.1 Mr Mitchell referred to the *Finance and Performance Report* and Mr Brown took the Board through the *performance overview* of KPIs in respect of allocation statistics and an overview of the figures in respect of *workflow management*. They discussed performance against the objectives and noted the active case load statistics including those cases which are running over 400 days.

- 52.19.2 Mr Brown referred to *financial performance* highlighting the Agency's financial position. He indicated that NIGALA has made it clear to its Sponsor Branch of its inability to breakeven without the provision of additional funding. He provided the details around the financial situation and confirmed he has submitted a bid for additional monies. Mr Mitchell confirmed that all Board Members have had the opportunity to comment on the request prior to it being submitted.
- 52.19.3 Mr Brown indicated he has also made an application for the £156k for self-employed guardians to be continued. He highlighted a number of points for information noting that discretionary spend is disappearing.
- 52.19.4 The Board reviewed the environmental scan which is shared for information purposes.

53.19 MID-YEAR ASSURANCE STATEMENT

- 53.19.1 Mr Mitchell referred to the *Mid-Year Assurance Statement* noting it had been discussed at the recent Audit & Risk Committee meeting and Mr Brown indicated he had updated *section13 - EU Exit* following agreement at the meeting.
- 53.19.2 The Board reviewed the statement and indicated an additional sentence to this section ... 'subject to clarification on a number of issues with the DoH'. Mr Brown is to update the statement accordingly. Mr Mitchell confirmed that the Chief Executive will liaise with the Chair should anything arise that requires action following EU Exit.
- 53.19.4 The Board noted they were content with the *Mid-Year Assurance Statement* subject to the minor change suggested.

ACTION: Mr Brown to update the Mid-Year Assurance Statement to reflect amendments suggested.

54.19 HSC STAFF SURVEY RESULTS

- 54.19.1 Mr Mitchell referred to the *HSC Staff Survey* which is carried out on a biennial basis across all HSC organisations.
- 54.19.2 Mr Brown indicated that the key points have been shared with staff. He discussed the survey results with the Board confirming the survey was made up of 113 questions which were grouped into 35 key findings. NIGALA performed positively

overall with scores exceeding the HSC average in 27 of the key finding areas; NIGALA had the top HSC score in 12 of these.

54.19.3 The Board discussed how liP would be considered in conjunction with the survey and also how group supervision might feed into the actions. The Board emphasised the need for ongoing support of staff physical and mental health and wellbeing.

54.19.4 Mr Mitchell noted that the Board recognises the positive information provided by the survey and how this reflects on the staff and management team of NIGALA. They agreed the following actions:-

- The HSC Staff Survey report should be disseminated to staff with a covering summary document after the Department have given their permission that it can be circulated;
- Discussion around the action points arising should be clearly detailed;
- The two actions to be highlighted specifically are group supervision/teamwork and staff health and wellbeing.

ACTION: Actions specified by the Board with regard to the Staff Survey Report to be undertaken.

55.19 BUSINESS PLAN OBJECTIVES

55.19.1 Mr Mitchell referred to the *End of Year 2018-19 Business Plan Objectives* which are tabled for information. The Board noted same.

55.19.2 Mr Mitchell referred to the *Mid-Year Update 2019-20 Business Plan Objectives* and discussed same with the Board. It was agreed that the RAG rating for objectives 1.2 and 3.4 should be marked as ‘green’.

55.19.3 The Board had no further queries and noted their appreciation of the work undertaken by the Senior Management Team.

56.19 STANDING ORDERS REVIEW

56.19.1 Mr Mitchell referred to the *NIGALA Standing Orders* and indicated they had been discussed at the Audit & Risk Committee where a number of modifications had been suggested.

56.19.2 Mr Brown took the Board through the list of modifications discussing same. In addition to those listed the Board suggested further minor amendment.

56.19.4 The Board approved the *NIGALA Standing Orders* subject to the amendments indicated.

57.19 ASSURANCE FRAMEWORK

57.19.1 Mr Mitchell referred to the *Assurance Framework* providing an overview of the key risks of the organisation and structured assurance about how the risks are managed effectively. He indicated that the Audit & Risk Committee reviewed the framework at their meeting on 3rd October 2019. The Board accepted the *Assurance Framework* as noted.

58.19 MANAGEMENT STATEMENT AND FINANCIAL MEMORANDUM

58.19.1 Mr Mitchell referred to the *Management Statement and Financial Memorandum* providing the Board with an opportunity to review the statement as agreed between NIGALA and the Department of Health. Mr Brown indicated it was good practice for the Board to have sight of the MSFM on a regular basis. The Board noted the *Management Statement and Financial Memorandum*.

59.19 QUALITY REPORT

59.19.1 Mr Mitchell referred to the *Quality Report 2018-19* providing a synopsis of the work of the Agency over the year 2018-19. He indicated this was a valuable document which Board Members had an opportunity to review prior to submission.

59.19.2 Mr Sheldon indicated the report had been submitted on 13th September 2019 with confirmation being received on 16th September 2019 noting receipt of a complete and well-structured report which met the Departmental expectations. He confirmed the report will be placed on the NIGALA website on World Quality Day in November.

59.19.3 Mr Sheldon noted congratulations to Mr Brown and Miss O’Kane who have attained the QI Programme for Social Workers. Miss O’Kane indicated she will be providing a presentation on this to the Board in December.

60.19 EQUALITY & DISABILITY ANNUAL UPDATE

60.19.1 Mr Mitchell referred to the *Equality and Disability Annual Review of Progress 2018-19* report which provides a synopsis of the material that is included in the Agency's annual submission to the Equality Commission. He noted the significant range of work completed.

61.19 ACCOMMODATION UPDATE

61.19.1 Mr Mitchell referred to the *Accommodation Update* and Mr Brown detailed the planned move the Belfast office to James' House, The Gasworks, Belfast in line with the Belfast Optimisation Programme and plan to reconfigure public health accommodation.

61.19.2 Mr Brown highlighted the ongoing discussions with regard to proposed rent increases in Centre House prior to the move and noted his thoughts that the costs be covered by the Department of Finance which was supported by the Board.

61.19. The Board noted their support to the strategy subject to

- appropriate costs being met;
- appropriate operational arrangements being put in place to reflect the functions of the organisation, ie child friendly area, car parking, confidential meeting rooms, etc;
- early engagement with staff to ensure they are kept informed.

61.19. Mr Mitchell indicated that the Board should be kept informed of any issues as they arise.

62.19 BOARD COMMITTEE MEETINGS SINCE LAST MEETING OF THE BOARD

62.19.1 Mr Smyth indicated that since the last meeting of the Board there has been one meeting of the Audit & Risk Committee which took place on 3rd October 2019. He referred the Board to the *Audit Committee Report* detailing the business discussed and highlighted that *satisfactory assurance* was given in respect of the Information Governance Audit. He indicated there were a number of small house keeping issues identified which related to embedding the culture in the organisation. Board members met after the meeting to discuss the NIGALA Risk Register, key risks and assurances.

63.19 DEPARTMENTAL CORRESPONDENCE

- 63.19.1 **Revenue Resource Limit 2019-20:** Mr Mitchell referred to correspondence *Ref NIGALA 02-10/20* confirming an increase to the budget allocation following agreement to increase the number of additional days per annum for the Non-Executive Directors.

64.19 ANY OTHER BUSINESS

- 64.19.1 **5 Nations Symposium:** Mr Brown confirmed that NIGALA is hosting a 5 Nations Symposium on 18th October 2019 which will be an operational/strategic meeting with representatives from Children First (Scotland), CAFCASS (England), CAFCASS (Wales), Barnardo's (South of Ireland) and Department of Children & Youth Affairs (South of Ireland). The Agency looks forward to a useful meeting and cementing 5 Nations Relationships going forward.

65.19 CONFIDENTIAL ITEMS

- 65.19.1 There were no items for discussion.

END TIME: 12.30pm

DATE OF NEXT MEETING: THURSDAY 12th DECEMBER 2019 @ 9.00AM

Chair of the Board

ACTION LIST

| | Action | By Whom | Progress Noted for Meeting |
|---|---|----------|----------------------------|
| 49.19 Matters Arising | Mr Brown to confirm in writing to Simon McGrattan (BSO) and Catherine McDonald (BSO) that ‘Pension Contributions for Senior Managers over 60 years old’ must be detailed in annual report and accounts going forward. | Mr Brown | |
| 50.19 Chair & Non-Executive’s Briefing | Mr Wilson to be formally appointed in writing as a member of the Information Governance Committee. | Mr Brown | |
| 53.19 Mid-Year Assurance Statement | Mr Brown to update the Mid-Year Assurance Statement to reflect amendments suggested. | Mr Brown | |
| 54.19 HSC Staff Survey Results | Actions specified by the Board with regard to the Staff Survey Report to be undertaken. | Mr Brown | |