

NI GUARDIAN AD LITEM AGENCY - BOARD MEETING
4th JULY 2019

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| Present: | Mr Bernard Mitchell, <i>Chair</i> Mrs Gillian McGaughey, <i>Non-Executive Director</i> Mr Peter Reynolds, <i>Chief Executive</i> Mr Fred Smyth, <i>Non-Executive Director</i> Mr Lee Wilson, <i>Non-Executive Director</i> Dr Karen Winter, <i>Non-Executive Director</i> |
| In Attendance: | Mr Sean Brown, <i>Corporate Services Manager</i> Ms Teresa Fallon, <i>Assistant Director</i> Miss Patricia O’Kane, <i>Assistant Director</i> Mr John Sheldon, <i>QA & Training Manager</i> |
| Minute Taker: | Mrs Ann Andrew, <i>Administration Manager</i> |

START TIME: 9.30am

30.19 SERVICE DELIVERY PRESENTATION

- 30.19.1 Ms Fallon indicated that she and Mr Sheldon attended a Regional Quality Improvement Programme and undertook a project to look at *Improving Children and Young People’s Feedback on their Experience of the Guardian ad Litem Agency*.
- 30.19.2 The Board discussed feedback on the service and on the overall experience of the child. Dr Winter emphasised the length of a case does not necessarily equate to a bad service and it was agreed that complex cases can take time. She also referred to the need to record compliments from professionals/judges in respect of a guardians input into a case, as well as feedback from the child. Mrs McGaughey noted the importance of the Agency being able to detail the value the guardian is adding to the process and report same in the Annual Report.
- 30.19.3 Mr Mitchell indicated the key obligation of the Board is to ensure that the interaction between guardian and child is good. He suggested the KPI be amended and updated in the business plan.
- 30.19.4 The Board noted this was a substantive piece of work and achievement in the increase in feedback received was acknowledged.

ACTION: Review and update KPI for Feedback in the Business Plan

31.19 DECLARATION OF INTEREST

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

32.19 MINUTE OF LAST MEETING

- 32.19.1 The minute of the previous meeting of 11th April 2019 was agreed as an accurate record of the meeting and approved.

33.19 MATTERS ARISING

- 33.19.1 Mr Mitchell referred to the action list from the previous meeting noting the outcomes of each. He referred specifically to the following:-
- **20.19.1 Adverse Incidents:** Mr Brown confirmed that joint work with NISCC will identify how staff should be responding to use of social media by the public.
 - **22.19.1 Resource Budget Allocation:** Mr Brown noted that no transformation monies are available at present.

34.19 CHAIR & NON-EXECUTIVE'S BRIEFING

- 34.19.1 **Appraisal of Board Members:** Mr Mitchell advised that the appraisal of Board Members for the period 2018-19 will be completed in the coming weeks. Mrs Andrew will liaise to seek suitable appraisal meeting dates for August 2019.
- 34.19.2 **Membership of the Audit & Risk Committee:** Mr Mitchell formally proposed Mr Wilson be appointed as a Member of the NIGALA Audit & Risk Committee. The Board was in agreement.
- 34.19.3 **Board Membership:** Mr Mitchell indicated that he aimed to end his term at the end of December 2019. Dr Winter will also be ending her term at the end of November 2019. He noted that confirmation of a timetable for recruitment for the positions has yet to be confirmed but this will be raised at the Accountability meeting next week.
- 34.19.4 **Accountability Meeting:** Mr Mitchell noted that the Accountability Meeting is scheduled for 10th July 2019.

- 34.19.5 **Public Accountability & Governance:** Mr Wilson confirmed that he attended a seminar on *Public Accountability & Governance* for Board Members as part of his induction on 5th June 2019. He summarised areas discussed. Mr Brown referred to *Partnerships between Departments and Arm's Length Bodies: NI Code of Good Practice* and indicated he had received an email about a consultation in this respect which closes end of July 2019; this will be shared with the Board and all responses are appreciated.

35.19 CHIEF EXECUTIVE'S BRIEFING

- 35.19.1 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:-

- **Meeting of Shadow Family Justice Board:** The meeting of the Task Group to discuss Expert Guidance did not take place on 26th June 2019. Mr Reynolds noted Judge Kinney has agreed to produce a paper in response to the NIGALA paper and anticipates a meeting to be convened with His Honour Judge Kinney over the summer to discuss same.
- **5 Nations Symposium:** The Agency is hosting a 5 Nations Symposium in October 2019. It is planned to hold this annually on a rotational basis to discuss issues over each country maintaining focus on children and outcomes.
- **NIGALA Conference 2020:** Planning in respect of holding a conference in 2020 with the theme 'Child's Lived Experience' is underway.
- **Strategic Resourcing Innovation Forum:** Mr Reynolds updated on workforce planning and confirmed the DoH are leading on this area which is in the early stages. Mr Wilson queried NIGALA's involvement and it was confirmed that NIGALA are also undertaking their own work in this respect. Mr Reynolds indicated he has asked to be included in discussions. Mr Mitchell indicated it would be useful to have Ms McDaniel attend a meeting as part of the business planning cycle for 2020/1.

ACTION: Ms McDaniel to be invited to join a future business planning meeting.

- **Children Order Bulletin:** Mr Reynolds updated the Board on recent papers released through the BBC by Sir Andrew McFarlane PC in respect of 'delay' and to the involvement of the judiciary in private law cases and the use of legal aid.
- **Social Work Leaders Network (SWLN):** A meeting was held on 20th May 2019 and a number of actions have been proposed.

- **High Court Judgement – Decision Making relating to Statutory Functions:** The Department Solicitor is going to engage directly with DLS to provide advice on the query from the Permanent Secretary following a recent High Court judgement regarding the delegation of decisions relating to statutory functions.

36.19 FINANCE AND PERFORMANCE REPORT

- 36.19.1 Mr Mitchell referred to the *Finance and Performance Report* and Mr Brown took the Board through the performance overview of KPIs and allocation statistics.
- 36.19.2 Mr Brown referred to workflow management and highlighted the workflow position as at 20th June 2019 for the Board and noted the challenges faced highlighting areas of interest. Cases running over 400+ days have increased with 14 cases running over 1000 days and 2 of those running over 2000 days; the Board discussed the various reasons. Mrs Fallon indicated that she and Miss O’Kane meet regularly in Trust Liaison meetings and discuss this issue.
- 36.19.3 Mr Brown indicated that he sends quarterly updates to the judiciary. Mr Mitchell requested that Mr Reynolds review the information shared, with whom and its context.
- 36.19.4 Delay in cases was discussed at length and Mr Reynolds indicated he had written to the Lord Chief Justice in respect of cases awaiting judgements. Mrs McGaughey highlighted the pressures faced by the judiciary at present. Dr Winter noted that cumulative delay is experienced in cases and emphasised how delay has had an impact at each stage of cases. Mr Mitchell noted that the Board acknowledges the constraints within the system.
- 36.19.5 Mr Reynolds highlighted that His Honour Mr Justice O’Hara chairs a work group to look at ‘delay’. Mr Smyth emphasised the need to find out more information about the underlying workflow by case type.
- 36.19.6 Mr Brown referred to the area of *Finance* confirming that to date no confirmation of the RRL allocation for 2019-20 has been received. He referred to the area of *BSO Performance* which is new to the report and had been requested by Mr Wilson.
- 36.19.8 The Board reviewed the *Environmental Scan* and Mr Brown highlighted the Health & Wellbeing Strategy and the Chief Social Worker’s comments at the BASW conference.

ACTION: Mr Reynolds to review the activity information shared, with whom and its context.

ACTION: Mr Brown to provide breakdown by case type at next Board meeting.

37.19 NIGALA ANNUAL REPORT & ANNUAL ACCOUNTS 2018-19 and REPORT TO THOSE CHARGED WITH GOVERNANCE
NIGALA Annual Report & Annual Accounts 2018-19

- 37.19.1 Mr Mitchell referred to the *NIGALA Annual Report & Annual Accounts 2018-19* and indicated that the Board is being asked to approve the accounts and letter of representation.
- 37.19.2 Mr Brown took the Board through the report and noted that the figures in the accounts have not changed since initial presentation. He highlighted the following areas:-
- **Complaints** – There were 3 complaints in year which were all dealt with in timescale. P12
 - **Finance Summary** – NIGALA met the breakeven target in 2018-19 with a surplus of £16,719. P13
 - **Performance against KPIs** – Confirmed that KPI performance is reviewed at each meeting of the Board. P15
 - **Successes** P26
 - **Accountability Report** – Presented in three main sections ie Corporate Governance Report, Staff and Remuneration Report and Accountability and Audit Report P28
 - **Prompt Payment Performance** – NIGALA met the prompt payments target.P31
 - **Data losses, whistleblowing and fraud reporting** – There were none to report. P32
 - **Governance Statement** – Minor amendments were received from Sponsor Branch and the report was updated. An additional paragraph has also been added in respect of public expenditure, as directed by DoH. P35
 - **Staff costs** – Staff costs and fixed costs are the Agency’s biggest expenditure and leave a minor disposable spend of approximately £50k. Further reductions in budget would therefore impact on headcount which will also have an impact on our statutory functions. P55
 - **Absence Rate** – The sickness absence rate over the year was 4.04% against a target of 4.5%.P59
 - **Losses and Special Payments** – There were none.P63
- 37.19.3 Mr Brown noted that a ‘streamlined report’ with a summary of finance will be available in September 2019.
- 37.19.4 Mr Wilson referred to the recent PSNI court case in respect of payments due to staff; Mr Brown confirmed that NIAO had also queried if this would be applicable to NIGALA. He confirmed that NIGALA does not pay overtime and therefore the court judgement is not applicable to us.

- 37.19.5 Mr Brown referred to the detailing of pension contributions for Senior Managers over 60 years of age and noted they do not have to be specified. He indicated he would confirm this with the NI Audit Office. The Board highlighted minor amendments to the report and Mr Brown indicated he would update it accordingly.

NIAO Report to Those Charged with Governance

- 37.19.6 Mr Brown referred to the *Report to those Charged with Governance* confirming that the draft report was reviewed at the Audit & Risk Committee on 27th June 2019. He confirmed that no issues were identified and all comments relating to the Annual Report & Annual Accounts have been incorporated into the latest version.
- 37.19.7 Mr Brown noted there was one recommendation which related to ‘dilapidation accruals’. This year the auditors PwC have queried whether the dilapidation monies should be treated as an accrual or a provision. Mr Smyth queried why this finding was treated as a ‘priority 2’ rating and not a ‘priority 3’. He requested Mr Brown seek clarity on this.
- 37.19.8 Mr Smyth highlighted the clean audit opinion and acknowledged all the work that has been done in respect of the accounts.
- 37.19.9 The Board noted the *Report to Those Charged with Governance* and approved the *Letter of Representation* and NIGALA Annual Report and Accounts 2018/19. Mr Mitchell noted his appreciation to all involved.

ACTION: Mr Brown to seek confirmation on how dilapidation costs should be treated going forward.

ACTION: Mr Brown to seek clarity as to why a ‘priority 2’ finding was given in respect of dilapidation accruals rather than a ‘priority 3’ finding.

38.19 UPDATE ON SUPERVISION ARRANGEMENTS

- 38.19.1 Mr Mitchell referred to the report providing an *Update on Supervision Arrangements* and Miss O’Kane provided an overview of the arrangements and development plan in place to support supervision arrangements. She noted the report has also been before the Social Care Governance Committee.
- 38.19.2 Miss O’Kane noted that within a 12 month period each Guardian will have two supervision sessions and one appraisal meeting. Mr Mitchell welcomed the progress made and asked that the Chief Executive and SMT review the targets in the revised policy

to ensure they are sustainable in the long-term. Mr Smyth queried the importance of KPIs for measuring compliance.

38.19.3 Mrs McGaughey queried how performance issues are dealt with? It was confirmed these are dealt with under separate capability and competency policies.

38.19.7 Mr Wilson queried the use of ‘principal guardians’. Mr Reynolds noted that the overall guardian group is supportive of the proposed ‘principal guardian’ posts. He confirmed that he has met with the Union and consulted with staff alike. In principle, it had been agreed that it was a good idea although he is mindful of the environment the Agency is operating in. He noted the job title will be reviewed.

ACTION: SMT to consider further development work around the Supervision Policy.

39.19 OVERVIEW REPORT ON FEEDBACK

39.19.1 Mr Mitchell referred to the *Overview Report on Children and Young People’s Feedback* and the Board noted same. Mrs Fallon confirmed that a suite of new materials to be used with children with disabilities is being developed.

40.19 BOARD SELF-ASSESSMENT & RISK WORKSHOP

40.19.1 Following discussion it was agreed that a workshop to undertake the Board Self-Assessment would be scheduled before the meeting of the Board on 17th October 2019. A workshop to discuss risk would be scheduled for 3rd October 2019, falling directly after the Audit & Risk Committee meeting.

41.19 AGENCY NAME CHANGE

41.19.1 Mr Mitchell referred the Board to the paper entitled *Agency Name Change Aligned with the Adoption and Children Bill Consultation*. It had previously been agreed that the job title ‘guardian ad litem’ should change to ‘Children’s and Young Persons Court Guardian’.

41.19.2 The Board considered a number of options and it was agreed that the Agency will be known as *The Guardian Agency, Northern Ireland*; new branding for the Agency will be considered.

ACTION: Adoption & Children Bill Team to be informed of Agency name change. Branding to be considered.

42.19 BOARD COMMITTEE MEETINGS SINCE LAST MEETING OF THE BOARD

42.19.1 Mr Mitchell indicated that since the last meeting of the Board there were four meetings of the Board Committees.

- **Audit & Risk Committee:** the Audit & Risk Committee met on 30th May 2019 and on 27th June 2019. The Board noted the reports provided detailing business discussed at each meeting. Mr Brown confirmed three regional policies were agreed. A revised Complaints policy was agreed and will now go for a 12 week consultation period. Details of all policies will go to the October meeting of the Board for approval.

ACTION: Regional policies and Complaints Policy as agreed at the Audit & Risk Committee to be presented as appropriate at the October 2019 meeting of the Board.

- **Social Care Governance Committee:** the Social Care Governance Committee met on 10th May 2019 and 20th June 2019. The Board noted the report provided detailing business discussed at each meeting.

43.19 DEPARTMENTAL CORRESPONDENCE

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

43.19.1 Mr Mitchell referred to the *Partnerships between Departments and Arm's Length Bodies: NI Code of Good Practice*. Mr Reynolds confirmed the code was recently raised at the NIGALA/Sponsor Branch ground clearing meeting.

43.19.2 As noted previously a consultation on the policy for HSC partnership agreements was underway. Mr Brown confirmed he would email the HSC policy template to members for comment.

43.19.3 Mr Mitchell indicated the Partnership agreement should be regularly reviewed between NIGALA and Sponsor Branch and he would like the review to be built into the ground clearing meeting on an ongoing basis with the standing item heading of 'Relationships/Partnership Arrangements'.

ACTION: Mr Brown to email template in respect of the Partnerships between Departments and Arm's Length Bodies to Board Members.

ACTION: 'Relationships/Partnership Arrangements' to be added as a standing item to the agenda of the ground clearing meeting.

Approval of Business Plan

- 43.19.4 Mr Mitchell confirmed that the NIGALA Business Plan 2019-20 was approved by the DoH in correspondence dated 22 May 2019 (Ref: SH182).

Second Term of Appointment of Chairs and Members to the Board of the Department of Health's Arm's Length Bodies (ALBs)

- 43.19.5 Mr Mitchell referred to correspondence received from DoH dated 25th June 2019, *Second Term of Appointment of Chairs and Members to the Board of the Department of Health's Arm's Length Bodies (ALBs)*. He indicated this would not affect Board Members leaving in the next 12/24 months. Mr Wilson undertook to clarify his position. Board Members noted the correspondence and briefly discussed same.

44.19 ANY OTHER BUSINESS

- 44.19.1 There was no other business for discussion.

45.19 CONFIDENTIAL ITEMS

- 45.19.1 There were no items for discussion.

END TIME: 12.20pm

DATE OF NEXT MEETING: THURSDAY 29th AUGUST 2019 @ 9.30AM

Chair of the Board

ACTION LIST

OPEN ACTIONS

| | Action | By Whom | Progress Noted for Meeting |
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| 20.19.1 Chief Executive's Briefing: Adverse Incidents | Mr Brown to prepare a paper on responding to Social Media for the Audit & Risk Committee. | Mr Brown | Ongoing. Joint work with NISCC planned |
| 22.19 Finance & Performance Report: Performance Overview | Mr Brown to prepare a Business Case for consolidation monies in support of the Self Employed Panel of GALs | Mr Brown | Ongoing - expected in the Autumn 2019 |
| 30.19 Service Delivery Presentation: Feedback | Review and update KPI for Feedback in the Business Plan | Mr Brown/ Mr Reynolds | |
| 35.19 CEO Briefing: Strategic Resourcing Innovation Forum | Ms McDaniel to be invited to join a future business planning meeting. | Mr Brown/ Mr Reynolds | |
| 36.19 Finance & Performance Report | Mr Reynolds to review the activity information shared, with whom and its context. Mr Brown to provide breakdown by case type at next Board meeting. | Mr Reynolds Mr Brown | |
| 37.19 NIAO Report to Those Charged with Governance | Mr Brown to seek confirmation on how dilapidation costs should be treated going forward. Mr Brown to seek clarity as to why a 'priority 2' finding was given in respect of dilapidation accruals rather than a 'priority 3' finding. | Mr Brown Mr Brown | |
| 38.19 Update on Supervision Arrangements | SMT to consider further development work around the Supervision Policy. | SMT | |
| 41.19 Agency Name Change | Adoption & Children Bill Team to be informed of Agency name change. Branding to be considered. | Miss O'Kane/ Mr Reynolds | |

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| 42.19 Board Committee Meetings since last meeting of the Board | Regional policies and Complaints Policy as agreed at the Audit & Risk Committee to be presented as appropriate at the October 2019 meeting of the Board. | Mr Brown | |
| 43.19 Departmental Correspondence: <i>Partnerships between Departments and Arm's Length Bodies: NI Code of Good Practice</i> | Mr Brown to email template in respect of the Partnerships between Departments and Arm's Length Bodies to Board Members. 'Relationships/Partnership Arrangements' to be added as a standing item to the agenda of the ground clearing meeting. | Mr Brown Mr Reynolds | Complete |