

NI GUARDIAN AD LITEM AGENCY BOARD MEETING – 23rd April 2020

Present:	Mrs Gemma Loughran, <i>Chair</i> Mr Peter Reynolds, <i>Chief Executive</i> Ms Veronica Callaghan, <i>Non-Executive Director</i> Mr Fred Smyth, <i>Non-Executive Director</i> Mrs Gillian McGaughey, <i>Non-Executive Director</i> Mr Lee Wilson, <i>Non-Executive Director</i>
In Attendance:	Mr Sean Brown, <i>Corporate Services Manager</i> Mrs Teresa Fallon <i>Assistant Director</i>
Minute Taker:	Mrs Ann Andrew, <i>Administration Manager</i>

START TIME: 9.30am

Meeting by teleconference

19.20 DECLARATION OF INTERESTS

- 19.20.1 Mrs Loughran provided an opportunity for the Board members to identify any conflict of interest in respect of today's agenda. None were noted.

20.20 MINUTES OF LAST MEETINGS: 20TH FEBRUARY 2020 & 27TH MARCH 2020

- 20.20.1 The minute and confidential minute from previous meetings of the Board held on 20th February 2020 and 27th March 2020 were reviewed. Mr Smyth asked the action point in respect of minute point 8.20 include all data reporting elements noted in the minute; Mrs Andrew to update accordingly.
- 20.20.2 The minutes from meetings on 20th February 2020 and 27th March 2020 were approved.

21.20 MATTERS ARISING

- 21.20.1 Mrs Loughran referred to the Action List from meetings on 20th February 2020 and 27th March 2020. The progress of each action was noted.

22.20 CHAIR & NON-EXECUTIVE'S BRIEFING

22.20.1 **Northern Ireland Confederation for Health & Social Care (NICON):** Mrs Loughran confirmed that she attends a Forum for Chairs being organised by NICON. She referred members to the circulated papers *Good Governance in Times of Crisis: COVID-19 Board Assurance Prompt* and *Governance Issues: Responding to Covid-19*, both of which were discussed at the forum. Mrs Loughran referred to a daily NICON briefing which she receives and asked that this be copied to members of the Board for information purposes.

ACTION: NICON daily briefing to be circulated to Members of the Board for information purposes.

22.20.2 **Year-End Processes:** Mr Brown indicated that in terms of year end processes, the end of year Accountability Meeting has been stood down. He noted that the Department of Health expects HSC Boards to have a heightened sense of their responsibilities at this difficult time. He confirmed that accountability arrangements are in place.

23.20 CEO BRIEFING

23.20.1 Mr Reynolds referred to his *CEO Briefing* and updated the Board in a number of important areas.

23.20.2 **Summary of Key Points from Meeting of Shadow Family Justice Board on 20th February 2020:** Mr Reynolds indicated that a lot of the business from the Shadow Family Justice Board has been put on hold. He noted that Mr Justice O'Hara is to step down from the 20 April 2020 when Mrs Justice Keegan will take over as Family Judge. Mr Reynolds noted that discussions with the Lord Chief Justice, Mr Justice O'Hara and the Directors of Social Work have been ongoing. He noted he is attending a meeting this afternoon with the Lord Chief Justice's office to look at the next phase of family court business and how this might be progressed.

23.20.3 **COVID-19 & the Agency's Response to COVID-19:** Mr Reynolds noted there has been a lot of progress since the last meeting of the Board and there has been ongoing work and communication with HSC Trusts and the Courts. He noted that Guardians are still working on their cases and hearings are still taking place; the operational managers continue to monitor the working capacity of Guardians amidst the redeployment requests. Mr Reynolds highlighted that the Agency is showing a willingness to assist the wider HSC; he confirmed that whilst each individual Guardian's situation differs, it

has been estimated approximately 2 days a week might be freed up to assist with redeployment needs.

23.20.4 Mr Smyth noted that the Board needs an assurance that the Agency's services are being delivered in the right manner during this time, before redeployment is considered. Mr Reynolds noted that child protection cases are still a priority in the Courts and cases continue to be managed by Guardians; no issues in this regard have been highlighted. Mr Wilson emphasised the need for staff that are redeployed to have appropriate health and safety mechanisms in place; Mr Reynolds indicated this would be the case.

23.20.5 Ms Callaghan queried if the Agency had an up to date Social Media Policy which could be referred to by staff? Mr Brown confirmed that the Agency did but would review in light of the current situation of Covid-19 and the useful guidance available.

23.20.6 Following Board discussion Mrs Loughran summarised the various points made and requested an additional briefing paper relating to issues being raised in relation to ongoing cases, new applications, re-deployment and how the Agency continues to safeguard the needs and interests of those children being promoted by guardians.

ACTION: Mr Brown to review the Social Media Policy and circulate to staff.

ACTION: Mr Reynolds to prepare an overview report in respect of the Agency's current capacity to promote the safeguarding of children in a system under strain.

24.20 END OF YEAR PROGRESS ON BUSINESS PLAN OBJECTIVES 2019-20

24.20.1 Mrs Loughran referred to the *End of Year Progress on Business Plan Objectives 2019-20* updating the Board in respect of the Agency's position on last year's business plan objectives as at 31 March 2020.

24.20.2 Mr Brown indicated that the NIGALA Annual Report 2019-20 is currently being prepared and will be coming to the Audit & Risk Committee for consideration in May 2020. He plans to have the draft report with Board Members next week for review; all comments will be welcome.

24.20.3 Mr Smyth queried the breakeven position; Mr Brown confirmed written confirmation is awaited but he has verbally been informed that breakeven has been met. He referred to the funding for 2020-21 and noted that the business continuity plan was enacted on 13th March 2020 and dependent upon on how long it continues, the bigger the impact

and the bigger possible budgetary constraints going forward. The Board discussed the funding of Principal Practitioner positions in the HSC Trusts and relating transformation monies.

- 24.20.4 The Board approved the report in respect of *End of Year Progress on Business Plan Objectives 2019-20*.

25.20 AUDIT & RISK COMMITTEE

- 25.20.1 Mrs Loughran referred to the *Audit & Risk Committee Annual Report 2019-20* providing a summary of the work undertaken by the Audit & Risk Committee over the year 2019-20. The Board approved the report.
- 25.20.2 Mr Smyth indicated that a meeting to discuss Risks is planned for later in the year and all Board Members will be invited to attend. He invited Mrs Loughran and Ms Callaghan to attend the next meeting of the Audit & Risk Committee in order to give them an overview of the business discussed and assist with their induction. Both agreed to attend.
- 25.20.3 Mr Wilson noted that Ms Callaghan might be appointed as a member of the Audit & Risk Committee; Mr Brown indicated this could be discussed outside of this meeting. Mrs McGaughey confirmed the reason the Social Work Board Member attends the Audit & Risk Committee is because they chair the Social Care Governance Committee and hence there are relating professional issues/risks.
- 25.20.4 Mr Brown noted that a meeting to complete the annual self-assessment of the Audit & Risk Committee would take place later in the year and an invitation would be extended to all members of the Board.
- 25.20.5 Mr Brown referred to the *Audit & Risk Committee Report* summarising the business at the last meeting of the Audit & Risk Committee on 12th March 2020.

26.20 INFORMATION GOVERNANCE COMMITTEE

- 26.20.1 Mrs Loughran referred to the *Information Governance Annual Report 2019-20* providing a summary of the work undertaken by the Information Governance Committee over the year 2019-20. Mr Brown indicated that information governance is tightly managed and spoke to the report.

- 26.20.2 Mrs McGaughey added that the Committee is now clearer about the BSO Service Level Agreement and what this covers; she confirmed quarterly reports from BSO provided assurance about the work undertaken on the Agency's behalf. Assurance is also provided by Mr James Lawne (NIGALA) in respect of Agency records; the information he provides is good and indeed there has been an endorsement by the Information Commissioner in respect of the materials produced.
- 26.20.3 Mr Smyth noted the importance that issues relating to information governance are discussed with the Board and more importantly reflected in the minute.
- 26.20.4 Mr Wilson indicated he was a member of the Information Governance Committee; Mr Brown apologised and noted he would update the report accordingly. The Board approved the *Annual Report of the Information Governance Committee*.
- 26.20.5 Mr Brown referred to the *Information Governance Committee Report* summarising the business at the last meeting of the Information Governance Committee on 24th March 2020.

27.20 SOCIAL CARE GOVERNANCE COMMITTEE

- 27.20.1 Mrs Loughran referred to the *Social Care Governance (SCG) Committee Annual Report 2019-20* and Mrs McGaughey indicated that the succinct report summarises a huge amount of work undertaken throughout the year.
- 27.20.2 Mrs McGaughey noted there has been a great deal of work put into refocusing the SCG Committee and ensure a quality of service. She indicated the SCG Committee is the one committee which most immediately touches on the day to day work of the Guardian. Mrs McGaughey commended Mrs Fallon on all the work that has been done to date, the developing of material for work with children and for the imaginative use of technology with children's feedback.
- 27.20.3 The Board approved the *Annual Report of the Social Care Governance Committee*. Mrs McGaughey referred to the *SCG Committee Report* summarising the business at the last meeting of the Social Care Governance Committee on 27th February 2020.

28.20 GOVERNANCE STATEMENT

- 28.20.1 Mrs Loughran referred to the draft of the 2019-20 year end *Governance Statement* from the Chief Executive as Accounting Officer. 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. Mr Brown indicated this will be included in the Annual Report 2019-20 which he hopes to circulate for comment next week.

- 28.20.2 Mr Brown noted the Governance Statement follows a prescriptive set of headings as laid down by the DoH. It sets out the governance issues, risk frameworks and risk management. He noted the report provides members with a flavour of the assurances expected of the organisation.
- 28.20.3 Mr Brown indicated that the draft Governance Statement will be forwarded to the DoH in due course 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. Mr Wilson noted the statement is as at the date of signing the accounts and not as at 31st March 2020.
- 28.20.4 The Board noted the draft *Governance Statement 2019-20*.

29.20 DEPARTMENTAL CORRESPONDENCE

Indicative Allocation 2020-21 / NIGALA Opening Allocation 2020-21

- 29.20.1 Mrs Loughran referred to the papers on *Indicative Allocation 2020-21 and the NIGALA Opening Allocation Letter 2020-21*. Mr Brown spoke to both highlighting the Agency's financial standing going forward.
- 29.20.2 Mr Brown indicated this incoming year there is a huge risk about how we fund Self Employed Guardians. He confirmed he has already prepared a business case for £156,000 to support them and this is already with the Department of Health. Mr Brown noted that the forecast staff expenditure for 2020-2021 is £3,657,216. This leaves a goods and services budget allocation of £674,662 (which also has to provide funding for Self Employed Guardians services). Total Goods and Services spending are forecast at £947,000 which leaves a forecast shortfall in funding of £272,338. Mr Brown noted that depending on how long COVID-19 continues, the Agency may be overspent further. He discussed a number of areas of possible saving assumptions but indicated these would not cover the predicted overspend.
- 29.20.3 Mr Brown noted that the DoH is also expecting NIGALA to fund a 1% pay rise. He stressed that the budget in real terms has been reduced continually over the last 3-4

years and at this point there is nothing left in the Goods and Services budget to provide any further savings.

- 29.20.4 Mr Brown referred to NIGALA's proposed move to James House in 2022. After negotiation by the Department of Finance on behalf of the Agency an additional £40k annual rental payment is required. Mr Brown confirmed the DoH previously funded this but it has not been included in the indicative allocation letter.
- 29.20.5 Mr Brown referred to 'redeployment' and confirmed that the Agency would not initially be re-invoicing organisations for costs incurred and instead NIGALA would view this as a contribution to the overall HSC effort in dealing with Covid-19. He indicated this would be reviewed again in September and if amounting to significant funds, the Agency would review its position. Mrs Callaghan suggested the Agency prepare an overall statement on this highlighting the Agency's contribution. It was noted that all statutory bodies will be asked in due course to look at savings and this should be included given the Agency's major issues in respect of financial stability.
- 29.20.6 Mr Smyth referred to workforce planning and Mr Brown discussed savings indicating that the only way the Agency could save monies would through Salaries which would emanate from staff retirements. Mr Reynolds highlighted that these structural systemic issues are longstanding.
- 29.20.7 Mrs Callaghan stressed that whilst the Agency is committed to helping out there is no doubt that the Agency's head count might be questioned going forward in light of how we might work more efficiently if there is room for redeployment. She noted the need to track all areas of workloads to ensure the Agency is fully informed; Mr Wilson stressed the Agency can only offer assistance because our own work is currently suspended in areas. It was highlighted that in HSC COVID-19 costs are being managed separately from normal expenditure and recorded accordingly for reimbursement.
- 29.20.8 Mr Reynolds noted that he is in no doubt that there will be a large amount of work forthcoming and the Agency needs a longer term perspective on managing this.
- 29.20.9 The Board agreed it would be helpful to have a narrative about why the Agency cannot manage on the initial allocation; the Senior Management team to look at this.

ACTION: The Senior Management Team is to prepare a narrative about why the Agency cannot manage on the initial allocation;

COVID-19 – Sponsorship and Governance Activities to Pause

- 29.20.11 Mrs Loughran referred Departmental correspondence ref: LM/30/03/2020, *COVID-19 – Sponsorship and Governance Activities to Pause* confirming that 2019/20 end-of-year Ground Clearing and Accountability Meetings will not take place. In addition there will not be a requirement for the Department to be provided with sight of a draft 2019/20 Governance Statement in advance of presentation to NIAO; the Governance Statement should be submitted as part of the draft annual report by Tuesday, 26 May 2020 for Trusts, HSCB, BSO and PHA and by Monday, 1 June 2020 for all other ALBs.
- 29.20.12 Mrs Loughran highlighted that the DoH has indicated they will be looking, more than ever, to Non-Executive teams to step into this space and exercise support and constructive challenge to Executive colleagues. We should all maintain a sensible and pragmatic approach to governance throughout this period. Accounting Officer Responsibilities remain unchanged;

30.20 ANY OTHER BUSINESS

- 30.20.1 **Remuneration Committee:** Mrs Loughran proposed that a meeting of the Remuneration Committee would take place after this meeting. Mr Smyth agreed he would be in attendance.
- 30.20.2 **COVID-19:** Mr Brown indicated he would keep the Board informed of any issues in respect of COVID-19.
- 30.20.3 **Thanks:** Mrs Loughran noted her thanks to Guardians for their resilience over this time of uncertainty and noted her appreciation to those who make themselves available for redeployment. She also noted her appreciation to all of the work being done by the Senior Management Team.

31.20 CONFIDENTIAL ITEMS

- 31.20.1 There was one item for discussion.

DATE OF NEXT MEETING: 16TH JULY 2020 @ 9.30AM

Chair of the Board

ACTION LIST

Ref	Action	By Whom	Progress Noted for Meeting
22.20.1 CHAIR & NON-EXECUTIVE'S BRIEFING: NICON	NICON daily briefing to be circulated to Members of the Board for information purposes.	Mr Brown	
23.20.3 CEO Briefing: COVID-19 & the Agency's Response to COVID-19:	<p>Mr Brown to review the Social Media Policy and circulate to staff.</p> <p>Mr Reynolds to prepare an overview report in respect of the Agency's current capacity to promote the safeguarding of children in a system under strain.</p>	<p>Mr Brown</p> <p>Mr Reynolds</p>	
29.20 DEPARTMENTAL CORRESPONDENCE: Indicative Allocation 2020-21 / NIGALA Opening Allocation 2020-21	The Senior Management Team is to prepare a narrative about why the Agency cannot manage on the initial allocation;	SMT	