

NI GUARDIAN AD LITEM AGENCY BOARD MEETING – 2nd July 2020

Present: Mrs Gemma Loughran, *Chair*
Mr Peter Reynolds, *Chief Executive*
Ms Veronica Callaghan, *Non-Executive Director*
Mr Fred Smyth, *Non-Executive Director*
Mr Lee Wilson, *Non-Executive Director*

Apologies: Mrs Gillian McGaughey, *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*

Minute Taker: Mrs Ann Andrew, *Administration Manager*

START TIME: 9.30am

Meeting by teleconference

32.20 DECLARATION OF INTERESTS

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

33.20 MINUTES OF LAST MEETING: 23 APRIL 2020

33.20.1 The minute from the last meeting of the NIGALA Board on 23 April 2020 was approved as an accurate record. Proposed by Ms Callaghan and seconded by Mr Wilson.

34.20 MATTERS ARISING

34.20.1 Mrs Loughran referred to the Action List from the last meeting. All actions were noted as complete with the exception of one. Mr Brown updated the Board accordingly:-

- **29.20 Indicative Allocation/NIGALA Opening Allocation 2020-21:** A narrative will be prepared for the September meeting of the Board after the first quarter spending has been listed. Further information on how COVID-19 and savings are affecting NIGALA will be more apparent at this point.

35.20 CHAIR & NON-EXECUTIVE'S BRIEFING

- 35.20.1 **NICON HSC Chair's Forum:** Mrs Loughran indicated she has attended a number of HSC Chairs' Forum meetings. These have largely related to the area of health and cover both the English & Welsh authorities.
- 35.20.2 Mrs Loughran indicated that the HSC Chairs met with the Minister for Health to discuss his approach to rebuilding HSC services. She indicated that in the various meetings to date there is little evidence of priority being given to the specific interests of children. Mrs Loughran noted that the DoH have indicated the main cause of children in care as poverty; over 2500 children are currently in care.
- 35.20.3 Mrs Loughran noted she will continue to keep a watching brief and will be particularly interested on a better focus on social care and, in particular, on the welfare of children in need. Mrs Callaghan noted her concern about this and stressed the need for NIGALA to be kept closely updated on the pathway and work in rebuilding services. Mr Reynolds noted that the new Board to address the rebuilding of HSC services consists of 20 members. There is only one social work member and no representation from any of the Arm's Length Bodies. The relationship between Board and ALBs is not clear. The NIGALA Board indicated they would monitor the progress on this matter.
- 35.20.5 Mr Wilson suggested that in light of the previous discussion, this should be reflected in the Risk Register. This was agreed.

ACTION: [New Risk to be added to the Risk Register.](#)

36.20 CEO BRIEFING

- 36.20.1 Mr Reynolds referred to his *CEO Briefing* and updated the Board on a number of important areas. From the last meeting of the Board, an additional overview report in respect of redeployment was provided on 21st May 2020; he noted that SMT have looked at the comments and feedback from the Board in respect of same. He noted the arrangements in place and the challenges for Guardians. The importance of communication with the Courts and Trusts was highlighted.
- 36.20.2 Mr Reynolds noted the 'Reset agenda' is very much to the fore as the Agency looks towards moving staff back into the workplace. Staff meetings and PDGs continue to happen and there is now urgency on the court side to get cases moving and open up a service where the Guardian can go to see children again. A risk assessment to be used in each situation has been devised and guidance for NIGALA staff to begin direct contact with children will be issued.

- 36.20.3 Mr Reynolds indicated at a recent staff meeting he heard directly from staff about their ongoing work with children, attending court remotely, use of technology, etc. He referred to the ongoing work with Trusts, Courts, Law Society and Bar Library. Details of anticipated work from Trusts were discussed.
- 36.20.4 **Shadow Family Justice Board:** Mr Reynolds noted that the next meeting of the Shadow Family Justice Board is scheduled for September.
- 36.20.5 **Rebuilding HSC Services:** Mr Reynolds noted the key strategic for NIGALA over the next two years will be to engage with the DoH on 'priorities' as they apply to ALBs and NIGALA specifically.
- 36.20.6 **Five Nations Gathering:** Mr Reynolds provided background to the 5 Nations meetings (England, Wales, Scotland, Northern Ireland, South of Ireland) and indicated that he is hosting a meeting on 16th July 2020 to get a regional perspective of the challenges faced and lesson learned.
- 36.20.7 Mrs Loughran requested that Mr Reynolds prepare a briefing paper in respect of how the Agency acts to best influence other organisations on issues pertaining to looked after children and young people which will be an item for discussion at the September meeting of the Board.
- 36.20.8 The Board thanked Mr Reynolds for his comprehensive report. Mrs Loughran indicated that there is a real possibility of an in-depth review in due course of how all HSC bodies responded to COVID 19 and that NIGALA should be ready to participate in such a review.

37.20 FINANCE AND PERFORMANCE REPORT

- 37.20.1 Mrs Loughran referred to the *Finance and Performance Report* informing the Board of key issues in respect of workflow and finance to the month end May 2020.
- 37.20.2 Mrs Fallon referred to the number of cases requests and closed cases over the past months comparing them to the same period last year. She indicated a high number of cases, which would normally have had a final hearing, had been adjourned until September. Mrs Fallon highlighted that in discussion with HSC Trusts it has become apparent that over 100 cases are awaiting progression to the Courts and will require the appointment of a Guardian.

- 37.20.3 Miss O’Kane provided an overview on solicitor appointments indicating that numbers are on par to those in the same period last year. Mr Brown noted that all workflow KPIs are on target. Other KPI targets will be reported on later in the year.
- 37.20.4 Mr Smyth referred to the slowing of case closures and the need for the Board to understand the priorities of cases and not merely see just the volume. Ms Callaghan indicated her agreement, as the Agency knows it will be facing a difficult period with high workload, delays in closed cases and return cases expected. The Board noted the importance of having an understanding of the reasons behind the case numbers and a narrative behind the reasons for new applications and return cases (38% of the caseload).
- 37.20.5 Mrs Loughran asked whether it would be possible to identify the different elements in the workload of guardians across NI. This was discussed in-septh and it was agreed that as the Agency is in a unique position to have a province wide perspective that further work can be undertaken to look at cases, under an agreed 4-5 headings.
- 37.20.6 Mr Brown referred to the Agency’s indicative budget of £4,331,878 for 2020-21 and highlighted a forecasted deficit of £258,000. He noted that due to Covid-19 there will be some minor savings in this year’s expenditure; the budget will be kept under careful review. Mr Brown noted that figures at the end of quarter 1 will provide a better idea of budget position.

ACTION: **Investigative Report around returned cases to be presented to the SCG committee.**

38.20 NIGALA ANNUAL REPORT AND ACCOUNTS 2019-20

NIGALA Annual Report and Annual Accounts 2019-20

- 38.20.1 Mrs Loughran referred to the *NIGALA Annual Report and Annual Accounts 2019-20* and Mr Brown took the Board through the report and accounts highlighting the minor amendments suggested by PwC and the NIAO. Mr Reynolds noted the annual report reflects on the work of the Agency over 2019-20 and thanked Mr Brown for a good piece of work and his preparation of same.
- 38.20.2 Mr Smyth confirmed that the report and accounts have been to the Audit Committee on two occasions and is content. He emphasised the credit due to all involved in the work and in the preparation of the report and accounts Mrs Loughran welcomed Mr Smyth’s reassuring comments and reiterated her congratulations and thanks.

38.20.3 Mr Brown indicated that the NIAO have indicated electronic signatures will be accepted and he confirmed these will be added and the Annual Report and Annual Accounts submitted this afternoon.

38.20.4 The Board approved the *NIGALA Annual Report and Annual Accounts 2019-20*.

Draft Report to Those Charged with Governance

38.20.5 Mr Brown referred to the *NIAO 2019-20 Report to Those Charged with Governance* reporting the key matters from the audit of the Agency's financial statements. He indicated there were no issues identified as part of the audit. There was one minor finding relating to a leaver's name on a payroll report but no overpayment was made. There were no financial adjustments made and the financial statements have an unqualified audit opinion, without modification. The Board noted the report.

Letter of Representation

38.20.6 Mr Brown referred to the *Letter of Representation* which will be submitted to the NI Audit Office from the Accounting Officer and accompanies the Annual Report and Annual Accounts 2019-20. The Board reviewed same and noted their approval.

39.20 RISK REGISTER

39.20.1 Mrs Loughran referred to the *Risk Register*. Mr Brown indicated the register is tabled for the Board twice a year, and additionally as required. He confirmed at the last meeting of the Audit Committee two new risks were added:-

- *NIGALA failure to follow HSC Covid-19 guidance leads to staff member or others leads to infection and damage to reputation*
- *Covid-19 has a negative impact on staff mental health and wellbeing leading to increased absence rates*

He provided an explanation for each confirming the controls and actions planned for each risk.

39.20.2 Mr Reynolds indicated that Breige Savage (Principal Guardian Practitioner) is currently working with Inspire to design a bespoke programme for NIGALA in respect of staff welfare and supporting staff. He noted the importance of this timely initiative which also fits with SBNI Trauma Informed Practice.

39.20.3 Mr Smyth confirmed the Audit Committee suggested the two new actions. He acknowledged the immense amount of work being done. Mr Reynolds emphasised the need to have good procedures in place to protect staff as well as the children the Agency serves.

39.20.4 The visibility of the Board was discussed. Mrs Loughran noted that she proposed that she write to each Guardian to let them know that the Board appreciates what they are doing and that their dedication to the role is inspiring. She indicated she hopes to meet with staff in some way in the coming months. Mr Smyth emphasised the importance of good communication in times when face to face discussions are not possible. Following discussion it was agreed that Mrs Loughran should write to each Guardian on behalf of the Board.

ACTION: Mrs Loughran to write to each Guardian on behalf of the Board to note their gratitude for their ongoing work with children and young people.

40.20 BOARD COMMITTEE MEETINGS SINCE LAST MEETING OF THE BOARD

40.20.1 Audit & Risk Committee:

The Audit & Risk Committee met on 28th May 2020 and 25th June 2020 and representatives from Internal Audit and the NI Audit Office attended both meetings. Mr Brown noted that in respect of the Annual Report and Accounts the Audit Committee reviewed the following:-

- The Annual Report and Accounts for NIGALA for 2019-2020. The Annual Report had previously been reviewed by the entire Board.
- The Committee noted the following points contained within the Annual Report and Accounts.
 - Complaints – There were 3 complaints in year which were all dealt with in timescale.
 - Finance Summary – The draft accounts meet the breakeven target in 2019-20 with a surplus of £7,050.
 - Prompt Payment Performance – NIGALA met the prompt payments target for the year
 - 98% of bills paid within 30 days
 - 85% of bill paid within 10 days
 - The Accounts have been prepared under a direction issued by the Department of Finance under Circular DAO (DoF) 01/20
 - There were no instances of Fraud in year.

- There were no reported incidents under the Whistleblowing Policy within the year.
- The format of the Accountability Report met requirements with sections covering:
 - Corporate Governance Report;
 - Staff and Remuneration Report; and
 - Accountability and Audit Report
- Personal data losses – There were none to report.
- Governance Statement was still subject to feedback from DoH with particular wording on funding for the year required.
- Staff costs – Staff costs are the Agency's biggest expenditure, accounting for 76% of net expenditure.
- Absence Rate – The sickness absence rate over the year was 4.83% with an adverse impact towards the end of the year due to long term absence.
- Losses and Special Payments – There were none

40.20.2 Mr Brown confirmed that any individuals who were sick because of covid-19 have all returned to work. He referred to the staff survey last year where staff complimented line managers on the support given in times of absence.

40.20.3 **Social Care Governance Committee (SCG):**
 The SCG Committee met on 18th June 2020. Ms Callaghan referred to the update report on the business of the meeting and highlighted the actions identified. She noted her thanks to Miss O'Kane and Ms Fallon for their contribution.

41.20 DEPARTMENTAL CORRESPONDENCE

NIGALA Business Plan 2020-21

41.20.1 Mr Reynolds referred to correspondence from Mr Sean Holland, Chief Social Work Officer (Ref: SH386) confirming Departmental approval of NIGALA's 2020-21 Business Plan.

41.20.2 Mrs Loughran noted her gratitude to each member of the senior management team for their continued hard work. The Board echoed her comments.

42.20 ANY OTHER BUSINESS

42.20.1 There was no other business for discussion.

43.20 CONFIDENTIAL ITEMS

43.20.1 Confidential Session updated on a number of areas.

End Time: 11.10am

DATE OF NEXT MEETING: 3rd SEPTEMBER 2020 @ 9.30AM

Chair of the Board

ACTION LIST

Ref	Action	By Whom	Progress Noted for Next Meeting
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	
35.20 Chair & Non-Executive's Briefing:	New Risk to be added to the Risk Register	Mr Brown	
37.20 Finance and Performance Report	Investigative Report around returned cases to be presented to the SCG committee.	Mr Reynolds / Mr Brown	
39.20 Risk Register	Mrs Loughran to write to each Guardian on behalf of the Board to note their gratitude for their ongoing work with children and young people.	Mrs Loughran	