

NI GUARDIAN AD LITEM AGENCY**BOARD MEETING – 20th October 2021**

- Present:** Mrs Gemma Loughran, *Chair*
Ms Dawn Shaw, *CEO*
Ms Veronica Callaghan, *Non-Executive Director*
Mr Fred Smyth, *Non-Executive Director*
Mr Lee Wilson, *Non-Executive Director*
Mrs Gillian McGaughey, *Non-Executive Director (joined 9:55am)*
- In Attendance:** Mr Sean Brown, *Corporate Services Manager*
Ms Teresa Fallon, *Assistant Director*
Miss Patricia O’Kane, *Assistant Director (left 11am)*
Ms Koulla Yiasouma, *NICCY (point 67.21)*
- Minute Taker:** Mrs Ann Andrew, *Administration Manager*

START TIME: 9.30am

Meeting by zoom

67.21 SERVICE DELIVERY PRESENTATION

- 67.21.1 Mrs Loughran welcomed Ms Koulla Yiasouma, NI Commissioner for Children & Young People to the meeting. Ms Yiasouma has been in her position for 6 years and provided an overview of her experience and her role to promote and safeguard children’s rights (as detailed in the UN Convention of the Child). She highlighted the priorities and work ongoing at present, including the effect the pandemic has had on children and young people in Northern Ireland eg lack of support, lack of respite, impact on young carers, etc.
- 67.21.2 Mr Wilson referred to the ‘delay’ in children’s cases being encountered in the court system and queried if NICCY could influence this at all? Ms Yiasouma indicated informal discussions through Justice may assist and facilitate the issue being raised with Ministers. Mr Wilson suggested Ms Yiasouma and Ms Shaw collaborate in relation to same. Ms Shaw updated on the work currently being undertaken.
- 67.21.3 Mr Smyth referred to NICCY’s ability to influence. Ms Yiasouma noted that NICCY is obliged to issue advice to Government on children’s rights; however, they are not obliged to respond. She reflected on the effectiveness of highlighting expectations, recommendations and asking for feedback. She reinforced the need to have a clear

plan in place, link facts to reality and bring as many stakeholders as you can with you, whilst not impacting on independence.

67.21. Ms Callaghan referred to how we might work with each other in the future and it was agreed that information sharing, both formally and informally, would benefit both.

67.21. Ms Yiasouma indicated that we are on the cusp of a review of children's services and NIGALA and the guardians' knowledge of the system and its strengths and weaknesses will be invaluable.

67.21. Mrs Loughran noted she was extremely grateful to Ms Yiasouma attending the Board meeting and looked forward to a good working relationship between NICCY and NIGALA and having an impact on common interests.

68.21 DECLARATION OF INTERESTS

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

68.21.2 It is noted that Mr Wilson is a member of the NISCC Board and has agreed to excuse himself from any conversation involving NISCC, as deemed relevant.

69.21 MINUTE OF LAST MEETING

69.21.1 The minute from the last meeting of the NIGALA Board on 8th September 2021 was approved as an accurate record, proposed by Mr Wilson.

70.21 MATTERS ARISING

70.21.1 Mrs Loughran referred to the Action List from the last meeting and the Board noted the progress on the actions detailed.

71.21 CHAIR & NON-EXECUTIVE'S BRIEFING

71.21.1 Mrs Loughran provided an update for Board members in respect of a number of areas and members were also invited to share.

- 71.21.2 **Social Work Awards:** Mrs Loughran extended her congratulations on the recent success at the Social Work Awards. Mr Peter Reynolds (previous CEO) was awarded the *Lifetime Achievement Award* and Mrs Fallon’s work with the Youth Forum was awarded the *Co-production Award*.
- 71.21.3 **New Non-Executive Members:** Mrs Loughran referred to the two new Non-Executive Member positions which will become vacant at the end of January 2022 when Mr Smyth and Mrs McGaughey end their term on the Board. She confirmed that all the relevant paperwork has been submitted to sponsor branch and the public appointments unit. The vacancies have not been advertised to date.
- 71.23.4 **NICON Conference:** Mr Brown indicated that he and Ms Shaw attended the NICON Conference with three other members of the Board. He indicated he felt one of the best sessions was about children and young people and good mental health. He offered Members the opportunity to watch the recorded session and indicated he would share accordingly.
- 71.23.4 **Covid-19 Booster Vaccine:** Mr Wilson queried access to the booster vaccine for NIGALA staff. Ms Shaw updated on her correspondence with Ms Patricia Donnelly, Head of the COVID-19 Vaccination Programme.

72.21 CHIEF EXECUTIVE’S BRIEFING

- 72.21.1 Mrs Loughran referred to the *CEO Briefing* and Ms Shaw spoke to her report detailing NIGALA activity since the last meeting of the Board.
- 72.21.2 **Waiting List & Delay:** Ms Shaw confirmed the waiting list is currently 52 (as at 12th October). The focus on improved information has assisted in better understanding the issues. The quarterly report provides clearer information on the current capacity within the agency and the disparity across the Guardian workforce. Managers are currently exploring the nature of cases which are currently over 400 days in length to better understand any issues which may be contributing to delay.
- 72.21.3 **Recruitment:** Ms Shaw noted there was a successful recruitment to the salaried guardian vacancies. In addition we have undertaken two recruitment processes for the SEGAL roles in the last 6 months in line with the additional in year pressure monies we have received from the DoH; we were not able to appoint in the first round and were only able to offer a role to one person in the most recent round. The number of applications was disappointing and the number of candidates who withdrew from interviews was significant. Ms Shaw indicated she has informed Ms McDaniel of the issues which will feed into the Social Work Strategy.

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- 72.21.4 **Staff Engagement:** Ms Shaw indicated that all three of the staff engagement sessions have been completed, with the most recent on Monday past. A report from the HSC Leadership Centre will inform actions to be taken forward. It is hoped the report will be available before the end of the month.
- 72.21.5 Mr Smyth queried if there was anything coming from the engagement sessions that should be taken on board? Ms Shaw confirmed that a common theme has been more support for Guardians and concerns that workload is ‘being driven by ‘numbers’.
- 72.21.6 Ms Callaghan stressed the need for a meaningful action plan that can be delivered upon be put in place. It is clear that staff are exhausted and also have concerns about the statistics/numbers being held by Guardians, and the variability in caseloads throughout the Guardian group; exhaustion and low morale is a key theme. Ms Shaw is to feedback on the progress.
- 72.21.7 **JNF:** Ms Shaw confirmed that the Joint Negotiation Forum (JNF) has been established and the first meeting has already met under new partnership agreement.
- 72.21.8 **Encompass:** Ms Shaw confirmed that the SLT met with the project team of Encompass and received clarity that NIGALA would not be included as part of the HSC adoption of Encompass. However, we do need permission to access Encompass records and a NIGALA representative will be invited to be involved in the project.
- 72.21.9 **Independent Review of Children’s Social Care Services:** Ms Shaw indicated an Independent Review of Children’s Social Care Services is planned. She confirmed she will prepare a briefing paper for the next Board Meeting in respect of same.
- ACTION: Ms Shaw to prepare a Briefing Paper on the Independent Review of Children’s Social Care Services.**
- 72.21.10 **SAR Protocol:** Ms Shaw noted the SAR Protocol went to the last meeting of the Shadow Family Justice Board. She confirmed that Mr Justice McFarland is now the new chair of the sFJB.
- 72.21.11 **CEO Interim Action Plan:** Ms Shaw referred to the CEO Interim Action Plan and queried if it should now be stood down as she has now been in post for 6 months with progress being made on many of the actions. Ms Callaghan indicated she found the plan hugely helpful in having an oversight of everything; it would be her preference to keep the plan at least for one more meeting. Ms Shaw agreed.
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73.21 FINANCE REPORT

- 73.21.1 Mrs Loughran referred to the *Finance Report* and Mr Brown spoke to the report providing an overview of the finances for the Agency for the financial planning period up to 31st August 2021.
- 73.21.2 Mr Brown highlighted that it is anticipated that the Agency will be short on the core budget at year end. He referred to the additional monies received for Self-Employed Guardians and noted it is likely some of this will have to be returned as recent recruitment exercises were not as successful as hoped; as these monies are ring-fenced it means they cannot be used to help with other pressures.
- 73.21.3 Ms Shaw stressed it is clear that NIGALA does not have a core budget that is sufficient to meet the statutory functions of the Agency. Mr Smyth noted the need for a different model/way of doing our work. Ms Shaw acknowledged that evidence to inform the lack in appropriate funding is being accumulated and clearly demonstrate that a different model of working is required.
- 73.21.4 Mrs Loughran queried if Guardians who have retired could be considered to return and undertake some work. Ms Shaw confirmed that those discussions have been had with retirees but anyone approached was not in a position to do so.
- 73.21.5 Ms Callaghan referred to a necessary business case for additional core budget resources. She reinforced the need to review the quality of our work, target our own improvements and look at the roles of everyone and identify what can be best used. She also referred to attitude and culture and how being fully informed will inform the business case. Mr Smyth agreed the importance of the business case and workforce implications and was keen for it to move forward.
- 73.21.6 Mr Brown acknowledged that in the short-term any requirement for additional monies can quickly be identified. In the long-term a required change to management structures will require additional resources on a recurrent basis and will not be bid for within this year.
- 73.21.7 Mr Wilson discussed the current overspend on the core budget and confirmed the statutory target for meeting breakeven. He highlighted a number of separate sessions required further in-depth discussion eg partnership agreement, governance arrangements, etc.
- 73.21.8 Quality Improvement was discussed at length and Mrs Loughran suggested that a separate 1-2 hour session be set aside in order to discuss this more in-depth.

- 73.21.9 Ms Shaw suggested a Board workshop be scheduled to help structure the new corporate plan would be useful. This would take account of the feedback report on the staff engagement sessions, deep dive work, audit on case recording, improvement agenda and plans for moving forward. She indicated with would provide an opportunity for a longer deeper conversation on all those issues and will inform the business case going forward. Mrs Loughran asked that the SLT prepare a report on quality improvement taking account of everything discussed and assuring ourselves we are improving work of the Agency.
- 73.21.10 Ms Shaw agreed to prepare a paper for the December Board meeting with a workshop being arranged for January 2022. The agenda at the next meeting will be reduced to allow for further discussion.

ACTION: Ms Shaw to prepare a paper on Quality Improvement for the December Board meeting

74.21 OPERATIONS REPORT

- 74.12.1 Mrs Loughran referred to the *Operations Report* and Mr Brown spoke to same. He highlighted the Quarter 2 figures from 1st July to 30th September 2021 noting the number of children for which the services of a guardian have been requested. He indicated that on average each Guardian is carrying approximately 16 cases.
- 74.12.2 He referred to the graph detailing the Cumulative Allocation Performance as from 1st April to 30th September 2021. Following discussion it was agreed that it would be helpful to have a comparison of trends, possible over 5 year period.
- 74.12.3 Ms Fallon provided the operational background information to the allocation process and the operational capacity.
- 74.12.4 Mr Smyth reinforced the need to be as clear as possible about complexity of cases, delay, etc when making a case for additional resources.
- 74.12.5 Ms Callaghan thanked the team for the changes made to the report. The Board noted the Operational Report.

ACTION: Operational Report to detail trend analysis over a 5 year period.

75.21 EQUALITY & DISABILITY ANNUAL REVIEW OF PROGRESS 2020/21

- 75.21.1 Mrs Loughran referred to the *Equality & Disability Annual Review of Progress 2020-21*; Mr Brown confirmed this update is submitted on annual basis to the Equality Commission and provides an overview of all Equality work undertaken throughout the year including an update on the progress of equality actions and activities undertaken.
- 75.21.2 Mr Wilson suggested an Equality Workshop would be helpful for Board Members and Mrs Loughran also indicated this training should be included in the induction programme for the new Non-Executive Members.
- 75.21.3 Ms Callaghan acknowledged it was good to see such a good attendance rating, 92% of staff attending training on ‘Making a Difference’. Mr Brown noted that training provided is not compulsory and attendance is subject to interest and availability. He noted the various training awareness sessions are co-ordinated by BSO who working collectively with others. Ms Shaw confirmed that the SLT will actively encourage staff to be continually engaged. Ms O’Kane indicated that Guardians relate training with the welfare checklist and are mindful of what is covered in their assessments. Costs in respect of Interpreting and Translation were noted.
- 75.21.4 Mrs Loughran queried if the Equality E-Learning can be made available to Board Members. Mr Brown indicated he would facilitate this arrangement.

ACTION: Mr Brown to facilitate Equality E-Learning for Board Members.

76.21 MID-YEAR GOVERNANCE STATEMENT

- 76.21.1 Mrs Loughran referred to the *Mid-Year Assurance Statement 2021-22* which provides assurance to the Board and DoH on the system of internal governance in NIGALA as at 30 September 2021. This assurance is supported by the Mid-Year Assurance Statement from the Head of Internal Audit, issued on 5th October 2021.
- 76.21.2 Ms Shaw confirmed her assurance that all is in order. The Board had no further questions and the *Mid-Year Assurance Statement 2021-22* was approved.

77.21 STANDING ORDERS

- 77.21.1 Mrs Loughran referred to the *NIGALA Standing Orders* and Mr Brown spoke to same drawing attention to the highlighted amendments for note by the Board. He confirmed the change of term from SMT to SLT and also indicated a change to the terms of reference for the SCG Committee composition; he noted the updated

legislation under the heading of Appointment of the Chair and Members, and Terms of Office.

77.21.2 Mr Wilson indicated he had a few queries in regard to the Roles & Responsibilities but indicated he could liaise with Mr Brown about these and copy the Board Members for information purposes.

77.21.3 The Board were in agreement with the proposed amendments to the *NIGALA Standing Orders*.

78.21 BUSINESS PLAN 2021-22 MID-YEAR UPDATE

78.21.1 Mrs Loughran referred to the *Business Plan 2021-22 Mid-Year Update on Business Plan Objectives*. Mr Brown noted the Mid-Year Update provides an update on progress made on the Business Plan 2021-22, which was agreed at a previous meeting.

78.21.2 The Board agreed the Business Plan 2021-22 Mid-Year Update and had no further questions on performance.

79.21 BOARD SELF-ASSESSMENT

79.21.1 Mr Brown queried how the Board wished to proceed with the annual *Board Self-Assessment*. He proposed the Board could either complete this now or wait until the two new Non-Executive Members were in place and then complete. Following discussion it was agreed that the annual Board Self-Assessment should be completed in February 2022 after the new members of the Board are appointed.

80.21 Management Statement and Financial Memorandum for NIGALA - MSFM

80.21.1 Mrs Loughran referred to the *NIGALA Management Statement and Financial Memorandum (MSFM)*. Mr Brown noted Good Governance recommends Boards annually note their MSFM. The MSFM was drawn up by DoH in consultation with the NIGALA and confirms NIGALA's relationship with DoH; it is signed by the Accounting Officer and the Permanent Secretary. He noted the Management Statement (MS) will be replaced shortly with a Partnership Agreement which will be drafted in co-operation with Sponsor Branch in line with Department of Finance guidance.

80.21.2 Mr Brown suggested the David Nicholl workshop will assist in feeding into the new partnership agreement. Mrs Loughran indicated it would be very helpful if Mr Wilson could highlight some points for the Board discussion with David Nicholl; Mr Wilson agreed to undertake this.

80.21.3 The Board noted the *NIGALA Management Statement and Financial Memorandum (MSFM)*.

81.21 AUDIT & RISK COMMITTEE CHAIR

81.21.1 Mrs Loughran confirmed that she has appointed Mr Wilson to the chairmanship of Audit & Risk Committee, upon Mr Smyth's end of term. Mr Wilson confirmed his agreement to undertake the role.

82.21 UPDATE FOR GOVERNANCE ARRANGEMENTS

82.21.1 Mrs Loughran referred to the *Update on Governance Arrangements* and Mr Brown spoke to same. He indicated the Information Governance Committee recommended a paper to the Board in April 2021 proposing a move to an Integrated Governance model which would mean the Committee would cease to report to the Board and become a management committee. A new Information Governance and Technology group would be set up under a new Terms of Reference for the group and assurances in place on Information Governance should come to the Audit and Risk Committee. The Board considered the paper and asked that Ms Shaw be content with any proposed changes.

82.21.2 Mr Brown proposed the Social Care Governance Committee should continue in its current form until such time as a reflection on integrated governance can be considered. A forthcoming workshop with David Nicholl is planned for November 2021. It is recommended that the Board make any final decision on the Information Governance Committee following that session, to allow for reflection on any assurances it may require. Until that decision is made, Information Governance Committee assurances will be brought directly to the Audit and Risk Committee.

82.21.3 Mr Wilson confirmed the SCG Committee cannot introduce integrated governance at this point in time and suggested a review in another 12 months. The Board noted their agreement.

83.21 BOARD COMMITTEE MEETINGS SINCE LAST MEETING OF THE BOARD**SCG Committee Governance Committee**

- 83.21.1 Ms Callaghan indicated that a meeting of the *Social Care Governance Committee* took place on 7th October 2021. She referred to the **Social Care Governance Assurance Report** detailing the business of the committee. She confirmed she was very content with the direction of the Committee.

84.21 DEPARTMENTAL/OTHER CORRESPONDENCE**Letter to ALB Chairs & ALB Chief Executives - Further Pause Sponsorship and Governance Activities 2021/22**

- 84.21.1 Mrs Loughran referred to correspondence *Letter to ALB Chairs & ALB Chief Executives - Further Pause Sponsorship and Governance Activities 2021/22, TP5899, SSUB-0422-2021* from Richard Pengelly advising of a further pause on Sponsorship and Governance activities for a further three month period until the end of the 2021 calendar year. The Board noted same.

Guidance on Conflicts of Interest

- 84.21.2 Mrs Loughran referred to *DAO (DoF) 07/21 - Guidance on Conflicts of interest, HSC(F)31-2021* and members of the Board were asked to note same. It was agreed that the annual Declaration of Interests form would include a declaration in respect of gifts or hospitality.

Letter to All Chief Executives/Chairs of ALBs - Senior Executive Job Evaluation re-grading

- 84.21.3 Mrs Loughran referred to the *Letter to All Chief Executives/Chairs of ALBs - Senior Executive Job Evaluation re-grading, RP5910* from Richard Pengelly and the Board noted same. The Department confirmed its position that it does not view re-grading of a Senior Executive role as a promotion; this has been the position since 2012, and previously advised that, where any Senior Executive post has moved to a higher level, Remuneration Committees should not recommend any promotional increases to staff currently in post. Mr Pengelly noted it is not acceptable to simply add these duties to a post and then seek to have it retrospectively re-graded; any such re-evaluation which recommends a regrading to a higher level cannot be considered a substantive promotion, as no competitive process has been completed to allow other candidates to apply for the role.

85.21 ANY OTHER BUSINESS

Schedule of Meetings for 2022

- 85.21.1 Mr Brown referred to the schedule of meetings for 2022 and requested that Board Members take note of same.

86.21 CONFIDENTIAL ITEMS

- 86.21.1 The Board updated on confidential business.

Mrs Loughran noted her thanks to all concerned in preparation for the meeting.

END TIME: 12.30pm

DATE OF NEXT BOARD MEETING: 16th DECEMBER 2021, 9.30AM

Chair of the Board

A C T I O N L I S T

Ref	Action	By Whom	Progress Noted for Meeting
20.21.5 Chair & Non-Executive Directors Briefing: HSC Structures	Mr Brown & Ms Shaw to look at the Future Structures of the Health Service in Northern Ireland and bring for discussion to the next Board Meeting.	Mr Brown/ Ms Shaw	<i>To Follow</i>
39.21 Operations Report	Information on Caseloads to be shared with the Board before circulation to staff.	Ms Shaw Ms O’Kane Mrs Fallon	<i>To Follow</i>
57.21 Finance Report	Mr Brown to prepare a detailed map for budget spend for 2022/23. This will come to the Board as part of the planning for 2022/23.	Mr Brown	<i>Part of Business planning for 2022-23. Draft plan will come to the February meeting</i>
72.21 CEO Briefing	Ms Shaw to prepare a Briefing Paper on the Independent Review of Children’s Social Care Services.	Ms Shaw	
73.21 Finance Report	Ms Shaw to prepare a paper on Quality Improvement for the December Board meeting	Ms Shaw	
74.21 Operations Report	Operational Report to detail trend analysis over a 5 year period.	Mr Brown	
75.21 Equality & Disability Annual Review of Progress	Mr Brown to facilitate Equality E-Learning for Board Members.	Mr Brown	