

**NI GUARDIAN AD LITEM AGENCY
BOARD MEETING – 15th DECEMBER 2022**

- Present:** Mrs Gemma Loughran, Chair
Ms Dawn Shaw, CEO
Ms Veronica Callaghan, Non-Executive Director
Mr Lee Wilson, Non-Executive Director
- Apologies:** Mrs Gillian McGaughey, Non-Executive Director
Mr Fred Smyth, Non-Executive Director
- In Attendance:** Mr Sean Brown, Head of Corporate Services
Ms Patricia O’Kane, Assistant Director
Mr Greg McGuigan KC
- Minute Taker:** Mrs Ann Andrew, Business Support Manager

START TIME: 9.30am

87.22 SERVICE PRESENTATION

- 87.22.1 Mrs Loughran welcomed Mr Greg McGuigan KC to the meeting. Mr McGuigan has a wide range of experience in Family Law, representing the Official Solicitor, children and young people and parents in court proceedings. He indicated he was called to Bar in 1990 and represents quite a number of Guardians, mostly in the High Court and by in large practice is excellent.
- 87.22.2 Mr McGuigan noted that a good set of reports is vital to the case and provided an example of a case and the points, problems, and work to be done. He highlighted his opinion on the importance of a comprehensive Initial Analysis report. A lost section in the guardian report which details all the contacts and work completed by the guardian would be useful to include again. He emphasised that guardian reports are a great piece of information and confirm the decisions made in the case; detailed substantial reports are needed and he would recommend they stay rather than cut these back further. Mr McGuigan suggested that in respect of a Position paper that consideration be given to when to do a Guardian report and when to do a Position Paper, highlighting the fact that a Position paper prepared by the lawyer for the guardian is not evidence in a case.

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- 87.22.3 Ms O’Kane referred to the Initial Analysis report and indicated that some cases can be running on ‘No Order’; these cases can transfer and it is not uncommon that there is no Initial Analysis report because the case transfers. She noted this is something that is being considered under the SFJB – Delay Pilot.
- 87.22.4 Ms Shaw indicated that she and the two ADs met with the Judiciary and they have agreed the report templates for use. She is hopeful more standardised reports will be coming through in the future.
- 87.22.5 There was discussion around Position Papers and when they would be used, why some are using them and others are not, the different practices of Guardians. Mr McGuigan indicated he welcomed conversation about these position papers and agreed there are times for it.
- 87.22.6 Mrs Loughran suggested it would be useful, in terms of transfer, for the Guardian to offer to provide an Initial Analysis report in order to give the case a steer.
- 87.22.7 Mr McGuigan agreed that a good Initial Analysis report can shape a case. He referred to experts’ meetings and recommendations about how they should be conducted by the guardian and suggested that dissemination of this material to all guardians would improve the work of the guardian in court proceedings.
- 87.22.8 There was discussion about the late allocation of a Guardian in a case. The role of the Independent Social Worker (ISW) was also highlighted and it was agreed that such reports may not always be helpful as they can tend to rely on the self-reporting of the parents and may cause parents to have unrealistic expectations. The appointment of an ISW can cause delay. This can cause frustrations for the guardian who is the expert in the case and should be seen as the person directing how everything should go in the court, in terms of child’s best interests.
- 87.22.9 Mr McGuigan indicated it was important that guardians, particularly in long running cases, liaise with lawyers on a monthly basis. This allows for them to be kept updated with practice and procedure and specific rulings. Ms Shaw indicated it would be useful for all the Agency to be kept informed for quality and consistency purposes. Mr McGuigan indicated he would be happy to share updates quarterly in order to keep everyone informed. He also indicated
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that he had developed a template for use in how to run an Experts' meeting ie how to instruct experts, etc. He indicated he was happy to share this.

87.22.10 Mr McGuigan noted in his concluding remarks that the NIGALA has done well over the years. Was it not for the Agency the voice of the child would not have been heard. Not only is there a voice for the child but also a voice for the parents/family. He noted, he does not want to see minimisation of reports as this undermines the role of the guardian. The Guardian is someone who steers the case and has a prominent role which changes children's lives.

87.22 Mrs Loughran thanked Mr Greg McGuigan KC for his time and input.

88.22 DECLARATION OF INTEREST

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

89.22 MINUTE OF LAST MEETING

89.22.1 The minute from the last meeting was approved as an accurate record, proposed by Ms Callaghan.

90.22 MATTERS ARISING

90.22.1 There were no matters arising.

91.22 CHAIR & NON-EXECUTIVE'S BRIEFING

91.22.1 Mrs Loughran provided an update on a number of areas:-

Non-Executive Board Member Vacancy: Mrs Loughran indicated that the Permanent Secretary has approved one new Non-Executive Board Member appointment, subject to appropriate checks. A reserve list is in place and options are being reviewed in respect of the second member.

Mid-Year Accountability Meeting: Mrs Loughran noted that she had attended the Mid-Year Accountability meeting with Ms Shaw. They met with Mr Peter Toogood and Ms Eilis McDaniel. She also noted the Ground Clearing meeting had been a useful meeting. Mrs Loughran confirmed that DoH were pleased with the collection of data and the Band 7 Guardian role, of which they were very supportive and agreed it was an important way forward.

Mrs Loughran noted that budget issues were discussed and it was highlighted that NIGALA could only meet the requested savings due to staff vacancies, it was emphasised this could not continue. Ms Shaw noted that as matters stand the Agency has a waiting list of appointments which means we are in breach of our statutory duty. The DoH confirmed their hands are tied. The importance of 3-year budgets to facilitate planning was stressed.

Mr Wilson queried if the required savings are non-recurrent? Ms Shaw confirmed this was the case but noted her concerns of future cuts to budget in the 2023-24 year. This should be escalated on the Risk Register.

Ms Callaghan indicated that recruitment cannot proceed if appointments cannot be made. It was noted a waiting list would be put in plan for appointments.

Mr Brown highlighted that savings are expected around rent/rates when the Agency moves to James House.

92.22 CHIEF EXECUTIVE'S BRIEFING

CEO Briefing

92.22.1 Ms Shaw referred to the *CEO Briefing* and provided an update on a number of areas: -

Quality Improvement: Two quality improvement projects are ongoing, a case grading exercise and a duplication exercise. She noted the need for a focus on GCIS in order to standardise practice. Ms Shaw confirmed that anonymised data has been shared with Guardians, as previously agreed.

Admin and Corporate Review: The Admin and Corporate Review is now complete and report has been issued. SLT need to discuss and digest the report in the first instance; it is not going to be shared more widely at present.

Workforce: The Band 7 Guardian job description has gone through the AfC process and has been agreed. Ms Shaw indicated that a 2-week consultation with staff will now follow but due to industrial action this cannot be progressed at present. She indicated that this delay may allow for the refreshing of the Band 8A job description which will also have a change of title and will need to follow the same AfC process.

Industrial Action: Ms Shaw confirmed that Industrial Action took place from Monday 5th December. Strike action took place on Monday 12th December.

Guardian Staff / Team Meetings: A set of 4 Staff meetings took place, 1 in Armagh, 1 in L/Derry and 2 in Belfast. These were well attended with good interaction and discussion. Notes were sent out following the meeting for information. Ms Shaw noted it is the plan to have meetings once a quarter going forward; the operational report will be shared at each.

Investors in People (IiP): It was confirmed that NIGALA has achieved the Silver IiP award. The Board congratulated all concerned for this achievement.

Consolidated Action Plan

- 92.22.2 Ms Shaw referred to the *Consolidated Action Plan* which has been updated to reflect all progress to date. The Board noted it was useful to have an overview. Ms Callaghan noted there is a real sense of a line of travel and the action plan is welcomed.

93.22 FINANCE REPORT

- 93.22.1 Mr Brown referred to the *Finance Report* which updated financial information as at month 7 to the end of October 2022.
- 93.22.2 Mr Brown noted the overspend predicted at April 2022; this was based on a full complement of staff and progression of recruitment. He noted that in October 2022 the Agency was asked to give up some monies; a total of £40k

was returned to DoH. Mr Brown noted that earlier in the week, the Agency was asked to give up a further £40k; he provided an overview of how this request would be met.

93.22.3 Mr Brown discussed the IT issues and solutions which are ongoing. He indicated he is meeting with Capita to discuss responsibilities, required actions, etc and updated the Board on these issues. Mrs Loughran requested that concerns be put into writing to BSO and in addition raise this as a higher risk on the NIGALA Risk Register.

93.22.4 Mr Wilson referred to an unpaid BT invoice which had not been submitted for payment last year. There was discussion in respect of BSO's role in undertaking check and balance work to ensure all appropriate costs/payments have been accounted for. Mr Wilson indicated this should be standard practice in BSO. Mr Brown indicated he would discuss this with Finance Dept in the morning and update the Board accordingly.

93.22.5 The Board noted the *Finance Report*.

ACTION: Mr Brown to write to BSO detailing the IT issues experienced by NIGALA.

ACTION: Mr Brown to raise IT issues as a higher risk on the NIGALA Risk Register.

ACTION: Mr Brown to report to the Board as soon as possible about the steps to be take in association with BSO to avoid the non-payment of invoices.

94.22 MANAGEMENT STATEMENT & FINANCIAL MEMORANDUM (MSFM)

94.22.1 Mr Brown referred to the *Management Statement & Financial Memorandum (MSFM)* indicating that it is good practice to table the MSFM for information purposes at the Board meeting on an annual basis.

94.22.2 Mr Brown noted the MSFM sets out the relationship between the DoH and NIGALA. It will be replaced by the Partnership Agreement in 2023.

- 94.22.3 The Board noted the *Management Statement & Financial Memorandum (MSFM)*.

95.22 REPORT TO THOSE CHARGED WITH GOVERNANCE

- 95.22.1 Mr Brown referred to the *Report to Those Charged with Governance* from the NI Audit Office. He confirmed that no changes have been made and this is the final report; it has been before the Audit & Risk Committee for information.
- 95.22.2 The Board noted the *Report to Those Charged with Governance*.

96.22 POLICIES

- 96.22.1 Mr Brown referred to the *Regional Disciplinary Policy & Procedure* and the *Regional Grievance Policy & Procedure*. He indicated that both are regionally agreed HSC policies and are now being adopted by NIGALA. Mr Brown confirmed that the policies would be disseminated to staff along with clear explanation and discussion.
- 96.22.2 Mr Wilson proposed the adoption of the *Regional Disciplinary Policy & Procedure* and the *Regional Grievance Policy & Procedure* and the Board approved same.
- 96.22.3 Mrs Loughran suggested that SLT review the wording on pages 11, 19 & 27 of the *Disciplinary Policy & Procedure*.

97.22 FRAUD

- 97.22.1 Mr Brown referred to the *Departmental Counter Fraud Strategy 2022-23* and indicated there is a slight change to the policy. He noted this will be discussed at the next Audit & Risk Committee meeting where an updated Fraud Policy & Fraud Response Plan will be tabled.
- 97.22.2 The Board noted the new *Departmental Counter Fraud Strategy 2022-23*.

98.22 BUSINESS PLAN 2023-24

- 98.22.1 Mr Brown referred to the *Business Plan 2023-24* and he indicated that the Senior Leadership Team have discussed this on a number of occasions. A framework has now been agreed and it will be discussed at the SLT Meeting next week.
- 98.22.2 Mr Brown explained the process of agreeing the plan. He indicated the Business Plan will be for the new 'Agency name' and the Board will be emailed a copy for review in January 2023. The DoH require submission of the Business Plan by the end of January 2023.
- 98.22.3 Ms Shaw indicated that we are currently working on the Business Plan objectives which will also frame the Corporate Plan. She indicated that both are being worked on together to ensure they are aligned.
- 98.22.4 The Board noted the agreed process for the Business Plan 2023-24.

99.22 BOARD COMMITTEE MEETINGS SINCE LAST MEETING OF THE BOARD

- 99.22.1 Mrs Loughran indicated there were 2 meetings of Board Committees since the last meeting of the Board.

Audit & Risk Committee

- 99.22.2 A meeting of the Audit & Risk Committee was held on 8th November 2022 and the report detailed the business discussed. Mr Brown indicated that he and Mr Wilson have commenced work together on reviewing the Risk Register.

Social Care Governance (SCG) Committee

- 99.22.3 A meeting of the Social Care Governance Committee was held on 2nd December 2022 and the report detailed the business discussed. Ms Callaghan indicated the committee had a very well-rounded discussion about core professional practice as is outlined in the report. She noted the risks and assurances have been highlighted significantly. Ms Callaghan noted the importance of needing to know the details of the work.

- 99.22.4 Ms O’Kane indicated that staff are now making connection about the required accountability to the Board and how that works. The quarterly Operation Report has been shared and managers are looking at those figures with staff in the current mid-year review meetings. She noted there is an emphasis on everyone’s personal role, what factors can be influenced, the need to work together and that with a high degree of professional autonomy also comes a high degree of responsibility.
- 99.22.5 Ms Callaghan noted there is a lot of movement around staff communication and how work is managed and Mr Thompson and Ms Savage are very critical to that in terms of allocation and how it fits; both should be congratulated on stepping into the role. Ms O’Kane noted the emphasis is now on data and there is input in terms of capacity, issues about recording, staff getting the message and using data to focus a greater emphasis on consistency. It was noted there is not always correlation between complexity and delay; this reinforces the need for robust data and for GCIS to be diligently updated.
- 99.22.6 Mrs Loughran emphasised that ‘activity’ should be listed and included in the court report of the guardian. Such detail is cogent evidence and adds force to the report particularly when the guardian is being questioned in the court and when there are discussions between the lawyers for the guardian and the lawyers for the other parties.
- 99.22.7 Mr Wilson queried if SCG minutes are circulated to Guardians? Ms Callaghan confirmed this is not the case and this was discussed at length; she indicated the SCG Annual report be shared for information. It was agreed Mr Brown should prepare a short report for the next meeting of the Board detailing practice of other HSC bodies and with recommendations about the circulation of Board, Audit, SCG and Information Governance minutes to staff; this should be discussed at SLT in the first instance.

ACTION: Mr Brown to prepare a report for the Board with recommendations about the circulation of Board, Audit, SCG and Information Governance committee minutes.

100.22 DEPARTMENTAL/OTHER CORRESPONDENCE

- 100.22.1 There was no Departmental/Other Correspondence for noting.

101.22 ANY OTHER BUSINESS

101.22.1 There was no other business for discussion.

102.22 CONFIDENTIAL SECTION

102.22.1 The Board met in confidential session.

Mrs Loughran thanked the Senior Leadership Team for their input and preparation of the papers. She wished all members a wonderful Christmas. She also thanked Mrs Andrew for the preparation of the minutes.

END TIME: 11.20am

DATE OF NEXT BOARD MEETING: 23rd February 2023 @ 9.30am

Chair of the Board

ACTION LIST

Ref	Action	By Whom	Progress Noted for Meeting
93.22 Finance Report	Mr Brown to write to BSO detailing the IT issues experienced by NIGALA.	Mr Brown	
	Mr Brown to raise IT issues as a higher risk on the NIGALA Risk Register.	Mr Brown	
	Mr Brown to report to the Board as soon as possible about the steps to be take in association with BSO to avoid the non-payment of invoices.	Mr Brown	
99.22 SCG Committee Assurance Report	Mr Brown to prepare a report for the Board with recommendations about the circulation of Board, Audit, SCG and Information Governance committee minutes.	Mr Brown	