

**NI GUARDIAN AD LITEM AGENCY
BOARD MEETING – 18th OCTOBER 2022**

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

START TIME: 9.30am

Meeting by zoom

70.22 DECLARATION OF INTEREST

- 70.22.1 Mrs Loughran provided an opportunity for the Board members to identify any conflict of interest in respect of today’s agenda; none were noted.
- 70.22.2 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.

71.22 MINUTE OF LAST MEETING

- 71.22.1 The minute from the last meeting of the NIGALA Board on 8th September 2022 was approved as an accurate record, proposed by Mr Wilson.
- 71.22.2 Mrs McGaughey indicated the list of attendees required update to reflect her attendance. Mrs Andrew agreed to update accordingly.

72.22 MATTERS ARISING

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

73.22 CHAIR & NON-EXECUTIVE'S BRIEFING

- 73.22.1 **Non-Executive Directors of NIGALA Board:** Mrs Loughran reported that shortlisting for the positions of *Non-Executive Directors on the NIGALA Board* have taken place. Interviews are due to complete the first week of November.
- 73.22.2 **Minister of Health Meeting with ALB Chairs:** Mrs Loughran noted that ALB Chairs met with the Minister. She noted the concerns of lack of resources and the impact that the majority of Trade Unions are currently balloting for strike action. There was also brief discussion about the partnership agreement. Mrs Loughran noted that attendees were very despondent.
- 73.22.3 **NICON Conference:** Mrs Loughran referred to the NICON Conference on 19th & 20th October. She confirmed that Ms Shaw had managed to agree a Breakfast meeting at 8am to discuss Children's services in Northern Ireland. Mrs Loughran encouraged Board Members to attend the discussion if possible.
- 73.22.4 **Service Delivery Presentation:** Mrs Loughran referred to the service delivery presentation and the possibility of having young people speak with the Board. She indicated the Board would be content to meet at a suitable time eg, after school, and then deal with business at another time. Mrs Fallon indicated that the Youth Forum is currently being re-established following covid/progression of members. There was suggestion that input be provided by Ellie; SLT are to discuss further.
- 73.22.5 **Chief Social Work Officer:** Mr Wilson confirmed that Sean Holland is moving from the position of Chief Social Work Officer (Northern Ireland) and queried how these staff changes might impact on NIGALA.

Ms Shaw acknowledged that changes in the structure are deeply worrying. She indicated that NIGALA is responsible to Ms Eilis McDaniel, Children's Policy Unit, and this continues.

74.22 CHIEF EXECUTIVE'S BRIEFING**Chief Executive's Briefing**

- 74.22.1 Mrs Loughran referred to the *Chief Executive's Briefing* and Ms Shaw spoke to her report and updated on a number of areas; she made specific mention to:-
- 74.22.2 **Administration & Corporate Review:** Ms Shaw reported the Administration & Corporate Review is now complete. A report is due at the end of October.

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- 74.22.3 **Workforce:** Ms Shaw confirmed that work has commenced around the Band 7 Guardian role. A meeting is being arranged to include the union representative to discuss the job description.
- 74.22.4 **Learning and Improvement:** Ms Shaw confirmed that learning and improvement opportunities are shared weekly. Organised events to date have been well received by guardians.
- 74.22.5 **Investors in People:** Ms Shaw indicated that NIGALA is currently updating its Investor in People (IiP) Award. There was a 71% response rate to the survey. Results are currently being collated and once we have confirmation of the outcome the Board will be informed.

Consolidated Action Plan

- 74.22.6 Ms Shaw referred to the updated *Consolidated Action Plan* and indicated the updated progress is highlighted in blue print.
- 74.22.7 Mrs Loughran sought clarity on *Point 15 – Resource: Conflict of Interest and Legal Aid*. Ms Shaw indicated this related to our existing guardians carrying out social work assessments in their private role of independent social worker. Mrs Loughran queried if the issues could be better explored. Ms Shaw indicated that legal advice given to date would state that the Agency has little influence on this but a register has been set up to record guardians who also work as a private independent social worker, and undertake assessments. Individuals are also required to inform their line management of when they take new cases. Mrs Loughran indicated it was the reference to legal aid which caused her concern. Ms Shaw advised that legal aid may well be included in the cases along with other expert assessments.
- 74.22.8 Ms Callaghan summarised the issues which relate to guardians and suggested that wording reflect the issues around the guardian role in respect of independent assessments, and remove the reference to legal aid if felt to be misleading.
- 74.22.9 Mrs McGaughey confirmed that an assessment can only proceed if agreed by the Court and they have identified merit in it.
- 74.22.10 Mr Smyth asked for an update of *Point 4 - Review of SEGAL Role*. Ms Shaw indicated that the budget for self-employed guardians is now integrated into the core budget of the Agency. A meeting has been scheduled to meet with the group in late November.

75.22 FINANCE REPORT

- 75.22.1 Mrs Loughran referred to the *Finance Report* and Mr Brown spoke to same. He indicated the spending detail within the report is as reported at the last meeting of the Board. Month 6 figures are not available until later in the week.
- 75.22.2 Mr Brown indicated that an overspend is still expected with £95k of the total overspend relating to the delay in the move to James House. He confirmed the Department have agreed to absorb the costs for this.
- 75.22.3 Mr Brown referred to planned recruitment which unfortunately has not progressed as hoped. He indicated that a possible saving of £75k from this may be reflected.
- 75.22.4 Mr Wilson referred to an issue between the Department of Finance & Department of Health in respect of capital funding moving to revenue funding. Mr Brown indicated that the Finance Forum has recently met and the issues have been resolved.
- 75.22.5 The Finance Report was approved, proposed by Mrs McGaughey.

76.22 OPERATIONS REPORT – Q2

- 76.22.1 Mrs Loughran referred to the *Operations Report* and Ms O’Kane spoke to the report which highlighted data for Quarter 2.
- 76.22.2 Ms O’Kane noted that staffing levels have reduced. 2 full time Guardians have now been confirmed in place as Guardian Services Managers. Two staff members have retired (one in September, another in November) and two self-employed guardians are phasing out their caseload.
- 76.22.3 Ms O’Kane confirmed that the number of case requests continues to exceed the number of case closures. There are increased numbers of cases which are lasting in excess of 400 days. She identified 36% of new cases as case returns.
- 76.22.4 Ms O’Kane provided an overview of case requests highlighting case trends. She referred to the comparative case requests for the same period in the previous year, detailed by HSC Trust. The considerable increase in cases from the Southern HSCT and Western HSCT were noted.
- 76.22.5 Ms O’Kane referred to the allocation of cases and discussed the process and how cases are prioritised and capacity noted. She noted that the cases awaiting allocation remain between 50-60 cases with some lasting longer than others. She

assured the Board that cases are managed and routinely re-prioritised based on feedback from solicitors.

- 76.22.6 Ms O’Kane indicated there are a range of initiatives being progressed that will support the timely allocation of cases. The establishment of a Band 7 Guardian role will allow for the replacement of the four Band 8a vacancies with six Band 7 staff. The case grading work will identify case types that will be allocated to Band 7 Guardians.
- 76.22.7 Ms O’Kane referred to the anonymised Guardian case overview report shared and discussed at the Social Care Governance Committee on 15th September 2022. It was proposed that the anonymised report should be updated and shared with Guardians subject to Board approval. Ms Callaghan indicated this report will assist on a number of fronts particularly with the grading exercise. She also noted caution about assumptions between lower caseload and cases closed. The Board discussed and approved same.
- 76.22.8 Ms O’Kane highlighted the importance of equity of caseload and noted the anonymised report will aid transparency and accountability. She indicated this was a cultural piece with the need for a team ethos which meets the delivery of services for children effectively managed.
- 76.22.9 Mr Smyth agreed that the correct questions were now being asked. He noted the need for caution as all data is at a ‘point in time’. He suggested that qualitative commentary be added as a footnote to the data. Mrs McGaughey agreed this was a very important exercise.
- 76.22.10 Mr Wilson queried if the Union were aware of caseload being shared? Ms O’Kane indicated that conversations have taken place individually. Ms Shaw noted that the JNF Meeting is taking place this afternoon and she will inform them accordingly.

77.22 CORPORATE PLAN 2023-2028

- 77.22.1 Mrs Loughran referred to the *Corporate Plan 2023-2028 – Development Plan* and Mr Brown spoke to the report and indicated he was keen to start work as soon as possible as a 12 week consultation period is required.
- 77.22.2 Mr Wilson requested that when the relating Strategy document from the DoH is circulated that a copy be shared with the Board.

78.22 NIGALA MID-YEAR ASSURANCE STATEMENT 2022-23

- 78.22.1 Mrs Loughran referred to the *NIGALA Mid-Year Assurance Statement 2022-23* and Mr Brown confirmed that the Assurance Statement is a requirement of DoH. The Assurance Statement by the Chief Executive concerns the condition of the system of internal governance in the Northern Ireland Guardian Ad Litem Agency (NIGALA) as at 30 September 2022.
- 78.22.2 Mr Brown referred to the Head of Internal Audit mid-year Assurance Statement to NIGALA which provides an independent and objective assurance on the aspects of the system of internal governance reviewed and reported on by Internal Audit in the first six months of 2022/23, including the organisation's implementation of previous accepted Internal Audit recommendations. He noted this was a positive report.
- 78.22.3 The Board noted the *NIGALA Mid-Year Assurance Statement 2022-23*.

79.22 DECEMBER LUNCH TO MARK 25 YEARS

- 79.22.1 Ms Shaw provided an update on arrangements for the 25 year celebration. She indicated that a proposed lunch in December (Thursday 8th December 2022) would be used to mark the 25th anniversary of NIGALA, along with saying farewell to those individuals who left throughout covid when their leaving being marked as it normally would have.
- 79.22.2 Ms Shaw indicated that costs for the full event are likely to be approximately £2500-£3000. She reflected on a possible high profile speaker for the lunchtime event also. Ms Shaw noted she felt this event would be well received and good for staff morale, as the Agency comes together in the first time since Covid restrictions were applied.
- 79.22.3 The Board discussed the proposal. Ms Callaghan felt this was an excellent proposal and expressed no concerns. She stressed this was an important staff engagement event for everyone.
- 79.22.4 Mrs Loughran queried if a representative from the Youth Forum could provide any input. Ms Fallon indicated that the Youth Forum is currently being refreshed so it is unlikely anyone would be available for this event. Mrs McGaughey suggested an input from a previous service user who had previously spoken with the Board about the importance of her relationship with her Guardians. There was brief discussion and it was agreed any decisions would be left with the senior leadership team.

80.22 ACCOMMODATION REPORT

- 80.22.1 Ms Loughran referred to the *Accommodation Report – James House* and Mr Brown spoke to same. He indicated that some organisations have already moved into James House. NIGALA is due to move the first week of March 2023.
- 80.22.2 Mr Brown noted that NIGALA would not be seeking another lease in Centre House and have currently a ‘holding over’ position. The Landlord has not given any indication about serving notice to date. Mr Brown noted that NIGALA will not have a lease in James House but a ‘licence’ which will be signed by the Department.

81.22 NIGALA SOLICITOR PANEL

- 81.22.1 Mrs Loughran referred to the *NIGALA Solicitor Panel* and Ms O’Kane spoke to same. She referred the Board to the report from Internal Audit who carried out an audit on the operations of the NIGALA solicitor Panel. She confirmed there were no findings and this was a clear report.
- 81.22.2 Ms O’Kane acknowledged the work of Ms Doherty, who is the administrator of the panel and oversees the running of it.
- 81.22.3 Mrs Loughran queried if any complaints about work equity had been received from Solicitors? Ms O’Kane confirmed that no complaints have been received. She noted at the outset of the Panel it was agreed that a twice year anonymised report detailing work allocated to the solicitors is shared with the Panel. She indicated if someone is offered work but unavailable, this too is recorded for reporting purposes.

82.22 DELAY PILOT

- 82.22.1 Mrs Loughran referred to the *Delay Pilot Highlight Report* and Ms O’Kane spoke to same. She provided background to the delay pilot indicating that the issue of delay in court proceedings and the impact on children has been a source of concern for some time. Ms O’Kane confirmed that the Shadow Family Justice Board established a sub-committee on delay in 2019. The NIGALA/HSC pilot was identified as a means of collating data at the outset of Care Order proceedings to inform our collective understanding of the factors that contribute to delay. A 6-month pilot commenced.
- 82.22.2 Ms O’Kane noted the preliminary highlight report provides an overview of the quantitative data collated from the care proceedings cases lodged in court across the

five HSCTs during the data capture phase of the project (**183 cases** involving **289 children**).

- 82.22.3 Ms O’Kane confirmed the next phase of the pilot will support the pilot-tracking cases over 300 days’ duration to establish the systemic sources of delay. The collation of the data from the perspective of HSCTs, Guardians and Solicitors will identify recurrent themes and inform the work of the Shadow Family Justice sub-committee on delay alongside the HSCTs and NIGALA.
- 82.22.4 Ms O’Kane noted her thanks to Ms Casey and Mrs Andrew for their assistance with the pilot administration.
- 82.22.5 Mrs McGaughey agreed this was a hugely important piece of work. She indicated that the Legal Services Agency might also be able to assist in some way so it might be useful to have a conversation with them. Ms O’Kane noted this was very helpful.
- 82.22.6 Mrs Loughran noted her praise for the pilot too. Ms O’Kane confirmed that the pilot was commissioned by the Shadow Family Justice Board so the full Board will see the final report.

83.22 BOARD COMMITTEE MEETINGS SINCE LAST MEETING OF THE BOARD

- 83.22.1 ***Social Care Governance Committee:*** The Social Care Governance Committee met on 15th September 2022. Ms Callaghan referred to the *SCG Committee Assurance Report* and indicated a number of elements have already been discussed in the Board meeting. She indicated she had nothing further to add and noted her thanks to management for a much more focused eye around the quality of the reports.

84.22 DEPARTMENTAL/OTHER CORRESPONDENCE

- 84.22.1 Mrs Loughran referred to correspondence shared for information purposes:-
- 84.22.2 ***HSC Code of Conduct:*** Mrs Loughran referred to the *HSC Code of Conduct & Code of Accountability for Board Members of Health & Social Care Bodies (October 2022)* which has been updated and Board Members were requested to take note.
- Mr Wilson indicated a paragraph on social media has been added. He referred to point 15 which states... where on leaving office, the member must comply with the rules of the body on the acceptance of future employment or appointments. Each body should have its own rules on this. He noted that clarity on this point is required. Mr Brown indicated he would follow this up.

85.22 ANY OTHER BUSINESS

85.22.1 There was no other business for discussion.

86.22 CONFIDENTIAL ITEMS

86.22.1 The Board met in confidential session.

Mrs Loughran commended all who had prepared and presented such excellent reports and thanked Ms Andrew for very comprehensive and accurate minutes.

END TIME: 11.15am

DATE OF NEXT BOARD MEETING: 15TH December 2022 @ 9.30am

Chair of the Board