

NI GUARDIAN AD LITEM AGENCY

BOARD MEETING – 24th FEBRUARY 2022

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

START TIME: 2pm

Meeting by zoom

1.22 SERVICE DELIVERY PRESENTATION

- 1.22.1 A presentation/discussion with Ms Frances Nicholson, DoH in respect of the Adoption and Children Bill has been scheduled as a separate meeting for Board members on 23rd March 2022.

2.22 DECLARATION OF INTERESTS

- 2.22.1 Mrs Loughran provided an opportunity for the Board members to identify any conflict of interest in respect of today’s agenda; none were noted.
- 2.22.2 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.

3.22 MINUTE OF LAST MEETING

- 3.22.1 The minute from the last meeting of the NIGALA Board on 16th December 2022 was approved as an accurate record, proposed by Mrs McGaughey.
- 3.22.2 It was agreed that minor amendment would be made to the wording of point 87.21.7. Ms Callaghan and Mrs Andrew to liaise and agreed an update.

4.22 MATTERS ARISING

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

5.22 CHAIR & NON-EXECUTIVE'S BRIEFING

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

- **Meeting with Minister of Health:** Mrs Loughran advised that the last scheduled meeting with the Minister on 9th February 2022 was cancelled.
- **Meeting with Judiciary:** Mrs Loughran indicated that she and Ms Shaw had met with three senior Family Division Judges to discuss the work of NIGALA and our problems with the allocation of cases and our concern about delay. She indicated this was a good meeting with understanding from the judiciary at the issues faced. Judiciary members and the Senior Leadership Team are to meet on 7th April 2022. NIGALA will be focusing on shorter more concise reports, and templates will be agreed for sharing. Solicitors will also be engaged so they are aware of what has been endorsed by the Judiciary. The Judiciary emphasised they are working hard to reduce delay. Mrs Loughran indicated that the appointment of a Guardian in Article 56 cases was also discussed.

Ms Callaghan indicated she felt this was a good outcome from the meeting and believed that it will go a long way to meeting the refined role of the guardian. She noted she appreciated the operational management oversight which will give help to the change management programme.

- **NIGALA staff:** Mrs Loughran indicated that she was keen that the Board meet with newly appointed Guardians. Mrs Andrew is to liaise with Board Members and seek an agreed meeting date.

Mrs Loughran also noted the passing of Ms Mari Donnelly, a previously employed Guardian ad Litem. She indicated she has forwarded condolences to Ms Donnelly's daughters on behalf of the Board.

- **COAC:** Mrs McGaughey confirmed that the Review of COAC guidance is already underway. Ms Shaw advised a steering group is being established to oversee this work and she has been invited to join. A questionnaire has gone to all Guardians. It will also be shared with the Solicitor Panel.

6.22 CHIEF EXECUTIVE'S BRIEFING**Chief Executive Briefing - Update Report**

6.22.1 Ms Shaw referred to the *CEO Briefing* paper and updated the Board on a number of areas.

- **JNF Meeting:** Ms Shaw advised there was a JNF meeting earlier this week; the staff engagement meetings and the reports from the HSC Leadership Centre were shared. She noted there was also discussion about the recruitment of Principal Practitioners on a permanent basis. Ms Shaw also noted the potential to create an entry level guardian (band 7) who will then be supported through training; the Union was supportive of this and requested they be included in the work. It was agreed the local union representative would be included in the planning.
- **Training:** Ms Shaw advised that positive feedback has been received for the *Leader as a Coach Training* course. She noted she plans to roll this out again in the autumn.
- **Data Analyst:** Mrs Loughran referred to the plan to recruit a data analyst for a period of time to assist NIGALA with improving the quality of data it holds. The Agency was unable to find any suitable individuals for this position. Ms Shaw indicated that as no outside individuals can be recruited she is hopeful that 1-2 members of staff could be identified to assist in this opportunity and undertake appropriate training. Mrs Loughran agreed that outside recruitment should be left aside and in-house recruitment be followed up. The Board discussed this role. Ms Callaghan indicated she would be happy to assist with the preparation of a job description. Mr Wilson suggested a University student might be able to assist with the set up and then allow it to be managed internally. Ms Shaw emphasised that we have a number of talented staff who could take this forward. She indicated she would report back to the next Board Meeting.

6.22.2.1 Mrs McGaughey referred to the *Gillen Training Group*. She indicated that Ms Shaw had been attending this group, as inherited from the previous CEO. However, the Gillen Training Group is answerable to the Criminal Justice Board. Mrs McGaughey indicated that Ms Shaw can now stand down from the Group membership. She stressed this would be no loss to the Agency as she would be continuing to sit on the Group in her linkage with the Bar Library. She confirmed she would happily keep the Agency informed of anything relevant. Ms Shaw noted her gratitude to Mrs McGaughey.

Interim Action Plan

- 6.22. Ms Shaw referred to the updated *Interim Action Plan*. Actions identified from the staff engagement sessions will identify more meaningful tasks with Ms Jocelyn Harpur and both plans will be combined into one Plan. The Action Plan will be available for the next meeting of the Board.
- 6.22. Ms Shaw indicated that more HSC training will be included. A review of corporate and administrative work will also be undertaken to ensure the Agency is as fit for the future as it can be. This review will be undertaken with the HSC Leadership Centre in April.

HSC Priorities Briefing

- 6.22. Ms Shaw referred to her *Briefing Paper NI Policy forum Priorities for Health and Social Care in NI* which was prepared for information purposes. The Board noted the HSC priorities and acknowledged the Learning for NIGALA.

7.22 FINANCE REPORT

- 7.22.1 Mrs Loughran referred to the *Finance Report* providing an overview of the Agency's financial planning up to 31st December 2021. Mr Brown provided an overview of the allocation funding in-year and a detailed forecast spend for the year 2021-22.
- 7.22.2 Mr Brown provided a breakdown of staff costs, seegal costs and goods and services. He indicated there is currently a surplus of £50k, mainly due to recruitment start dates, a recent resignation, and seegal invoicing being lower than expected in December 21. He confirmed that money for the AfC pay awards in year has also been received.
- 7.22.3 Mr Brown noted that the DoH has recently announced that all HSC staff will be able to carry more than 5 days forward to the new leave year or alternatively they have an opportunity to be paid for them. He confirmed this was a regional agreement and all carried leave must be cleared by 31 March 2023. Costs are dependent on how many individuals use this facility but costs are expected to range up to a total of £20k. Ms Callaghan noted she was pleased this was a regionally agreed policy and explained her concerns.
- 7.22.4 Ms Callaghan noted her concern about the management of staff leave, reflecting pressurised staff and also staff not taking their leave in a managed away. She also

stressed a number of staff undertaking independent work. Mr Brown assured Ms Callaghan that the Senior Leadership Team is managing annual leave.

7.22.5 Mr Brown noted that he anticipates the Agency will meet breakeven as required. He indicated that money has been invested in training for Guardians. Ms Callaghan noted she was delighted to see the leadership programme.

7.22.6 Mr Brown noted that the next Finance report will be available from BSO around 16th March. He agreed to forward an update report to Mr Wilson upon receipt.

7.22.7 The Board approved the Finance Report, proposed by Mr Wilson.

ACTION: Mr Brown to share updated Finance Report with Mr Wilson upon receipt.

8.22 QUARTERLY OPERATIONAL REPORT

8.22.1 Mrs Loughran referred to the *Operations Report (Quarter 3)* and Ms O’Kane spoke to same providing an overview of operations performance for the period 1 April - 31 December 2021.

8.22.2 Ms O’Kane confirmed that the Principal Guardian Practitioners now lead on case allocation supported by Ms Fallon and herself. She provided an overview of workload demand and capacity for information purposes noting that following two recent recruitment drives, three employed Guardians have been recruited; caseloads are currently being built up. They replace retired Guardians. Two self-employed Guardians were also appointed; one has since resigned which will necessitate a transfer of cases. Also, due to two Guardians retiring at the end of March/April 22 there will also be cases that require transfer. In all, approximately 27 cases will need to be transferred, in addition to routine work being received.

8.22.3 Ms O’Kane stressed the allocation process is a dynamic one which requires intensive input from the Allocation Manager. There is a reduced capacity within the Self-Employed Panel and the number of cases being received post covid is increasing, mostly care applications. She noted we are all working to a greater understanding of delay.

8.22.4 Ms Callaghan asked Ms O’Kane about her message to the Board; she highlighted the variations in practice and duration of proceedings along with a number of issues outside of our control. She noted we are working on targeted more focused enquiries and reports which emphasise what a Guardian can bring to the analysis of a case. Ms O’Kane stressed that issues in recruitment cannot be underestimated in terms of NIGALA and HSC Trusts.

- 8.22.5 Ms Callaghan noted her concern about capacity and the case range of cases querying the percentage of guardians not working to capacity. Ms O’Kane stressed a there are a number of part-time workers who will naturally have a lower caseload than full-time Guardians.
- 8.22.6 Ms O’Kane noted that end of year appraisals are currently taking place. Assistant Directors are reviewing 3 year data given an overview of each Guardian relative to everyone else and having conversations about that. She indicated this will assist in embedding the refined role and is about practice and reflection.
- 8.22.7 Ms Callaghan noted this was very enlightening and useful and will be discussed further at the Social Care Governance Committee.
- 8.22.8 Mrs Loughran indicated it would be helpful to see details of the whole time equivalency of guardians alongside caseload numbers in order to examine where capacity might lie. Ms Shaw assured the Board that the Senior Leadership Team is robustly interrogating the data. It was agreed this would be available at the next Board meeting.
- 8.22.9 Mrs Loughran noted her thanks for the informative report.

ACTION: Details of whole time equivalency of guardians alongside caseload numbers to be detailed for the next Board Meeting.

9.22 NIGALA SOLICITOR PANEL

- 9.22.1 Mrs Loughran referred to the paper on the *NIGALA Solicitor Panel* and Ms O’Kane spoke to same highlighting the background to the establishment of the panel, how the panel operates and its link with Stakeholders.
- 9.22.2 Ms O’Kane confirmed that the panel was reconstituted in 2021 for a five year term which commenced on 1st April 2021. There are 130 Solicitors on the Panel, all of whom have nominated their first and second preference Trust location for undertaking guardian work. The NIGALA Protocol for the Working Relationship between Guardians and Solicitors was revised in April 2021.
- 9.22.3 Ms O’Kane noted a reference group with Guardian and Solicitor representatives meets quarterly to oversee and support the effective operation of the Panel. Furthermore, a Solicitor Usage report is circulated regularly throughout the year in order to ensure a fair and transparent process for the appointment of solicitors to cases.

- 9.22.4 Ms O’Kane emphasised the importance of NIGALA ensuring they are aware of any key developments that could impact on the operation of the panel. The Agency has responded to the DoJ consultation on the Introduction of Standard Legal Aid Fees for Solicitors; Solicitors have identified concern about the implications this might have on their standard fee and on their ability to meet the expectations contained in the NIGALA Protocol.
- 9.22.5 Ms O’Kane confirmed she sits on the Law Society’s Children Order Panel Advisory Board (COPAB), facilitating a collaborative working relationship.
- 9.22.6 Ms O’Kane noted The Legal Services Agency (LSA) registration scheme is scheduled to be operational from January 2023. It was been agreed that the LSA and NIGALA will devise a Memorandum of Understanding ahead of the mandatory registration to inform expectations and requirements in relation to the access to solicitors’ files relating to guardian cases.
- 9.22.7 Ms Callaghan had a number of queries and Ms O’Kane confirmed the appointment process for solicitors is similar for all guardians, both employed and self-employed. She also noted the guardian representatives on the reference group are consistent for the term of the panel, which is important for consistency purpose. Ms O’Kane indicated the Solicitor Usage Report is first reviewed/shared with the SLT before it is circulated to the Solicitors and Guardians for information.
- 9.22.8 Mr Smyth acknowledged this was a good system, which is transparent. He queried how documents are transferred on the system. Ms O’Kane confirmed that Solicitors and NIGALA use CJSM which is a secure email service for the justice system.

10.22 CORPORATE PLAN DEVELOPMENT

- 10.22.1 Mrs Loughran referred to the *Corporate Plan Development* and Mr Brown updated on the required contents for developing the plan and the way forward. He indicated the development work has already begun with the staff engagement meetings.
- 10.22.2 Mr Brown suggested that the Board have a workshop in the first quarter of the new financial year to start the development work. He noted he is hopeful that by the second quarter that the DoH will have provided a steer on the Corporate Plan; staff workshops will then follow. Mr Brown indicated that a full 12 week consultation and equality screening of the Corporate Plan will be required.

10.22.3 Mr Brown noted that the development of the Corporate Plan can be led by the HSC Leadership Centre or by the NIGALA Senior Leadership Team. Mrs Loughran indicated it was her preference that Ms Shaw should lead the development work and preparation of the new Corporate Plan.

10.22.4 The Board agreed to proceed with a Board workshop to discuss the development of the plan. Ms Shaw and Mr Brown are to draft the Corporate Plan before agreeing a date for the workshop. Mrs Loughran indicated it is her preference that the Board meet face to face for this meeting.

ACTION: Ms Shaw to lead the development of the new Corporate Plan.

ACTION: Board workshop to be scheduled when the Corporate Plan has been drafted for discussion.

11.22 NIGALA BOARD GOVERNANCE SELF-ASSESSMENT

11.22.1 Mrs Loughran referred to the *NIGALA Board Governance Self-Assessment* which was circulated to members in advance of the meeting and an opportunity for comments sought.

11.22.2 The Board noted their approval of the completed Board Governance Self-Assessment form, which has taken cognisance of all comments.

12.22 RISK REGISTER

12.22.1 Mrs Loughran referred to the *Risk Register* and Mr Brown spoke to same. He updated the Board on new action to the register as there is a possible delay in the scheduled move to James House due to a contractor issue; an update on the impact this will have will be more apparent next week after a Tenants' Meeting.

12.22.2 Mr Brown indicated that should NIGALA be delayed in moving to James House, it is unlikely that an extension to the lease in Centre House could be negotiated. Therefore, the Spencer House/Dobbin Centre offices could be used as lead offices and Centre House staff work virtually, or a small hub office will be identified to assist, on a temporary basis.

12.22.3 The Board agreed to this additional risk being added to the Register and indicated it should be discussed further at the forthcoming Audit & Risk Committee meeting on 10th March 2022.

12.22.4 Ms Callaghan referred to *Risk7* and queried if the most update covid guidance has been applied to the risk. It was agreed this would be discussed at the forthcoming Audit & Risk Committee meeting.

12.22. The Board approved the *Risk Register*, proposed by Ms Callaghan.

ACTION: Risk Register to be updated with the additional risk and discussed further at the next Audit & Risk Committee meeting.

13.22 BOARD COMMITTEE MEETINGS SINCE LAST MEETING OF THE BOARD

13.22.1 There have been no Board Committee meetings since the Board last met on 16th December 2021.

14.22 DEPARTMENTAL/OTHER CORRESPONDENCE

HSC (F) 09-2022 Timetable for ALB Accounts 2021-22

14.22.1 The *Timetable for ALB Annual Accounts 2021-22, HSC (F) 09-2022* was circulated for information purposes.

Letter from co-Chairs of IC Design Group re IBM representation on IC Committees - January 2022

14.22.2 Mrs Loughran referred to *Letter from co-Chairs of IC Design Group re IBM representation on IC Committees - January 2022* in respect of the *Closure of the Health and Social Care Board (HSCB) - transfer of Committees of the Board pertaining to the functions of the Directorate of Integrated Care to the Department of Health* and sought permission from Board Members to share their contact details, as requested in the correspondence.

All Board Members were in agreement with the sharing of the contact details and Mrs Andrew agreed to pass these onto Mr Sean Scullion, DoH.

15.21 ANY OTHER BUSINESS

15.21.1 There was no other business for discussion.

16.21 CONFIDENTIAL ITEMS

16.21.1 There was no confidential business for discussion.

Mrs Loughran thanked the Senior Leadership Team for their preparation of all the papers in respect of today's meeting.

END TIME: 3.40pm

DATE OF NEXT BOARD MEETING: 28th APRIL 2022, 9.30AM

Chair of the Board

ACTION LIST

Ref	Action	By Whom	Progress Noted for Meeting
7.22 Finance Report	Mr Brown to share updated Finance Report with Mr Wilson upon receipt.	Mr Brown	
8.22 Quarterly Operational Report	Details of whole time equivalency of guardians alongside caseload numbers to be detailed for the next Board Meeting.	Ms O’Kane / Mrs Fallon	
10.22 Corporate Plan Development	Ms Shaw to lead the development of the new Corporate Plan. Board workshop to be scheduled when the Corporate Plan has been drafted for discussion.	Ms Shaw	
12.22 Risk Register	Risk Register to be updated with the additional risk and discussed further at the next Audit & Risk Committee meeting.	Mr Brown	