

CHILDREN'S COURT GUARDIAN AGENCY FOR NORTHERN IRELAND BOARD MEETING – 2nd NOVEMBER 2023

- Present:** Mrs Gemma Loughran, *Chair*
Ms Dawn Shaw, CEO
Ms Veronica Callaghan, Non-Executive Director
Mr David Douglas, Non-Executive Director
Mr Lee Wilson, Non-Executive Director
- In Attendance:** Mr Sean Brown, Head of Corporate Services
Ms Teresa Fallon, Assistant Director
Ms Patricia O’Kane, Assistant Director
Ms Lindsay Redpath, Children’s Court Guardian (*Item 68.23*)
Ms Lynn McCrudden, Solicitor (*Item 68.23*)
- Minute Taker:** Mrs Ann Andrew, Business Support Manager

START TIME: 9.30am

68.23 SERVICE PRESENTATION

- 68.23.1 Mrs Loughran welcomed Ms Redpath (Children’s Court Guardian) and Ms McCrudden (Solicitor) to the meeting. They presented a case to the Board and provided background in respect of the complexities and trauma experienced, the considerations given and the approach taken to managing the case.
- 68.23.2 Ms Redpath and McCrudden took questions from the Board and Mr Douglas highlighted how important it was for the Board to hear of the experiences and work of the Children’s Court Guardian. This reinforces the importance of the work and the commitment of staff alongside the need for mechanisms of support to be in place for Guardians.
- 68.23.3 Mrs Loughran thanked Ms Redpath and Ms McCrudden for their time and input.

69.23 DECLARATION OF INTEREST

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

70.23 MINUTE OF LAST MEETING

- 70.23.1 The minute from the last meeting of the Board on 7th September 2023 was reviewed and approved as an accurate record, proposed by Ms Callaghan.

71.23 MATTERS ARISING

- 71.23.1 Mrs Loughran indicated there were no matters arising from the last meeting of the Board.

72.23 CHAIR & NON-EXECUTIVE'S BRIEFING

- 72.23.1 **NICON Conference:** Mrs Loughran referred to a successful session chaired by Ms Shaw presenting the Review of Children's Services, written by Professor Ray Jones. Mrs Loughran commended Ms Shaw for her role in the NICON Conference and this interesting session.

- 72.23.2 **The Writ:** Mrs Loughran referred to an article on the Agency detailed in the Autumn issue of the Writ. Ms Shaw circulated a copy for information.

- 72.23.3 **Meeting of ALB Chairs with Permanent Secretary:** Mrs Loughran referred to a recent breakfast meeting of ALB Chairs and the Permanent Secretary. Mr May indicated the culture of the organisation was the theme of the event and emphasis was placed on openness, which permeates right up to his role as Permanent Secretary. He also referred to proportionate demands on smaller organisations and the importance of partnerships. Ms Shaw referred to our own partnership agreement with DoH confirming it is close to sign-off.

Mrs Loughran said Mike Farrar referenced assurance in organisations indicating that 70% of time is spent on this; this is too much and more time needs to be spent on culture.

Mrs Loughran indicated that the report on Senior Executive Pay by Hugh McPoland has been submitted to the Permanent Secretary.

Mrs Loughran referred to funding concerns for DoH and emphasised that strike action is of great concern. Mr Douglas suggested that Ms Shaw negotiate with Unions about the work of the guardian and its importance in such times.

- 72.23.4 **ALB Audit & Risk Committee Chair's Forum:** Mr Wilson indicated that he attended a meeting of the ALB Audit & Risk Committee Chair's Forum on Tuesday 17 October 2023. He indicated there was a presentation from Internal Audit which noted that following COVID-19, less than 50% of audits in HSC are fully satisfactory, with a larger number having limited assurance. They identified the need to invest in staff training again and to embed assurance

mapping within organisations. There is also a need to focus on implementing audit recommendations.

73.23 CHIEF EXECUTIVE'S BRIEFING

Chief Executive Briefing – Update Report

73.23.1 Mrs Loughran referred to the *Chief Executive Briefing* and Ms Shaw spoke to her paper highlighting some areas for specific mention.

73.23.2 *Current Context:* Ms Shaw updated on the constant ongoing severe pressure of unallocated cases in the organisation. She confirmed the current position of 139 unallocated case (235 children) and stressed the need to acknowledge all the work ongoing in the Agency to manage the waiting list. Ms Shaw stressed she could not minimise the extreme pressure of the Allocation Manager position.

73.23.3 *Staff Wellbeing:* Ms Shaw noted her intention to hold a staff conference which would look at the wellbeing of staff. She indicated Ms Redpath is looking at staff wellbeing in her course and would be key to organising this event, which would be for all staff, organisation wide. The Board were very supportive of this event.

Business Plan Objectives – Update Report

73.23.4 Mrs Loughran referred to the *Business Plan Objectives – Update Report* and Ms Shaw confirmed the business plan has been updated by SLT in terms of their responsibilities. The Board noted the update on objectives.

73.23.5 Mr Douglas indicated that a number of areas seem to have been progressed and achievements made which would indicate that they should be RAG rated as 'green' as they are actively being worked on. [Objectives 1, 3, 5.1, 6.1, 10.3]. Mr Wilson confirmed that if an objective is on track for delivery it should be rated as 'green'.

73.23.6 Ms Shaw thanked Mr Douglas and Mr Wilson for their input and agreed to update the plan accordingly. A key will also be added for the RAG ratings.

74.23 OPERATIONS REPORT (Q2)

74.23.1 Mrs Loughran referred to the *Operations Report (Q2), July – September 2023* and Ms O'Kane spoke to same.

- 74.23.2 Ms O’Kane highlighted the number of unallocated cases, the reduced capacity of guardians and the high number of additional cases requiring transfer due to ongoing challenges around staff absence. She indicated there is also a reduced capacity within self-employed guardians to undertake cases.
- 74.23.3 Ms O’Kane noted that due to staff sickness, that she and Ms Fallon have been brought back in the allocation process again. This is in addition to supporting the 3 newly appointed Band 8A guardians and commencing a new cycle of supervisions/mid-year reviews.
- 74.23.4 Ms Fallon indicated that there are six Band7 Guardians now appointed with a likely start date of January 2024. Two individuals have been added to the waiting list for this position. Ms O’Kane highlighted that the external assessor identified the need to revise the essential criteria for this position. She noted that following discussion with BSO HR, a new form of wording has been agreed in respect of essential criteria and the adding of desirable criteria.
- 74.23.5 Ms O’Kane referred to the high proportion of cases from Belfast HSCT. Examining the chart comparing the number of case requests, the decrease in case numbers from South Eastern HSCT was noted; Ms O’Kane reflected this could relate to the number of social work staff on the ground who can bring cases through to court and the need for a guardian appointment. She emphasised that quite frequently the guardian is the only consistent professional in cases.
- 74.23.6 Ms O’Kane advised that additional measures have been implemented in the allocation process relating to working with solicitors. In order to ensure a consistent approach by solicitors in cases where there is no Guardian allocated, a flowchart has been devised which outlines the process to be followed. Information sessions have also been arranged to support information sharing and updating. In addition, guidance has been devised to identify expectations of Solicitors assigned to cases pending the allocation of a Guardian. The guidance was disseminated as part of a joint Guardian Solicitor training event on Wednesday 25/10/23. It has also been circulated to the judiciary for information.
- 74.23.7 Ms O’Kane indicated that the Operational Leadership Team (OLT) have done a substantive piece of work around the Professional Standards. She noted that Ms Savage is leading on this and she is hopeful it will be signed off in December 2023. She highlighted that case quantity and quality will be balanced; this will be helpful for new staff going forward. Ms Callaghan noted this was excellent.

- 74.23.8 Ms Fallon provided an update on the progress of the new case grading tool. She summarised what the group considered and indicated initial discussions have been progressed with Fluent Technology in respect of utilising this functionality on GCIS.
- 74.23.9 Ms O’Kane noted the draft report on the Agency/HSC Delay Pilot has been presented at the Principal Practitioners’ Legal Issues Forum for final approval. At the meeting one Principal Practitioner requested additional time to consider the recommendations; there has been considerable delay in convening a meeting to finalise the report. Ms O’Kane confirmed the report will be shared with the HSC Directors and SLT for final sign off. The report will then be shared at the Shadow Family Justice Board meeting in December 2023.
- 74.23.10 Ms Callaghan indicated this was a good time for new Band 7 Guardians to come on board. She stressed the importance of the professional standards and how they were key to the cultural shift required. Ms Callaghan noted she was pleased to see the work is so far advanced. She acknowledged it will take time for the new role to embed and highlighted the risks of the high numbers of unallocated cases over the coming months.
- 74.23.11 Mr Douglas referred to the use of overtime to assist with the unallocated cases. Ms Shaw confirmed that SLT had considered this and discussed it with HR. Given the high levels of sickness and stress already being experienced, she indicated it was felt it was a risk to pursue this at this point time. Ms Shaw noted the need to continually message that the Agency is under-resourced and has been for a considerable period of time.
- 74.23.12 Mrs Loughran noted her concern over the number of unallocated cases. She indicated she has listened to all the work ongoing and recognises the concerns about staff welfare and sickness levels rising. She queried if the management were satisfied that there is sufficient monitoring of caseloads, that guardian welfare is sufficiently being protected but also that the Agency is getting good value for money. Ms Shaw stressed Ms Fallon and Ms O’Kane supervise 27 guardians each. It will take time to change the culture of the organisation and she agreed that more scrutiny and support are required; the current management structure requires improvement to meet the demands of the Agency and staff.
- 74.23.13 Mr Douglas noted that Ms Shaw has acknowledged the pressure on Ms Fallon and Ms O’Kane and he would be assured that they are aware of caseloads. He highlighted it is not just about the raw data of case numbers, there is complexity and throughput which also must be taken into account. This was acknowledged.

75.23 FINANCE REPORT

- 75.23.1 Mrs Loughran referred to the *Finance Report* providing an overview of financial management as at 30th September 2023. Mr Brown spoke to his report and confirmed that as at the end of month 6, the Agency is showing breakeven.
- 75.23.2 Mr Brown indicated that it should be noted that the Agency has had to absorb 'cost of living' increases. He referred to the *Spending Detail* and talked the Board through the various areas of spend. He highlighted the financial benefits of the move to James House and referred to the cost of Self-Employed Guardians, which has now reduced to approximately 4 wte.
- 75.23.3 Mr Brown referred to staff travel and indicated this budget area is likely to increase when the Band 7 Guardians join the Agency. Ms Callaghan queried if staff travel costs have been rising incrementally following COVID-19. It was noted that prior to COVID-19 staff travel was approximately £120k. This has reduced to approximately £80k and the benefits of using new technology have helped to reduce the costs. Mr Brown noted that reimbursement for travel is set once a year under AfC terms and is not keeping in line with fuel costs.

76.23 UNINCORPORATED ORGANISATIONS BUSINESS ACCOUNT

- 76.23.1 Mrs Loughran referred to the *Unincorporated Organisations Business Account* application form. Mr Brown confirmed there was a need for this to be completed in line with the new Agency name. He requested that all Board members sign the application form and add their dates of birth.
- 76.23.2 The Board noted their agreement to complete the application form as required.

77.23 STANDING ORDERS

- 77.23.1 Mrs Loughran referred to the *Standing Orders*. Mr Brown indicated that the Standing Orders were updated at the last meeting of the Board. The DoH has issued new delegated limits for expenditure in Circular reference: HSC(F) 33-2023, Revised HSC and NIFRS Delegated Limits and requirements.
- 77.23.2 Mr Brown indicated whilst none of these changes affect the Agency spending, the delegated authority Circular has been updated in the Standing orders to Circular reference: HSC(F) 33-2023. Mrs Loughran noted the Board should formally note the amendment to the Standing Orders.

ACTION: Mr Brown to update the Standing Orders to reflect new delegated limits for expenditure in Circular reference: HSC(F) 33-2023.

78.23 REPORT TO THOSE CHARGED WITH GOVERNANCE

- 78.23.1 Mrs Loughran referred to the *Report to Those Charged with Governance* and Mr Brown spoke to same. He confirmed the draft has previously been before the Board; this is the final report.
- 78.23.2 Mr Wilson confirmed the report has been before the Audit & Risk Committee and has not changed from this meeting.
- 78.23.3 The Board noted the final *Report to Those Charged with Governance*.

79.23 ANTI-BRIBERY

- 79.23.1 Mrs Loughran referred to the *Anti-Bribery Policy* which has been reviewed, and has been considered and approved by the Audit & Risk Management Committee. Mr Brown also referred to the *NIAO Guidance - Managing the Risk of Bribery and Corruption* shared for information purposes. The Board noted the policy and relating guidance.
- 79.23.2 Mr Wilson referred to how this might affect the work of the Children's Court Guardian. There was discussion about potential situations which might arise and how the Agency mitigates against these. Ms Shaw noted she would share the policy and guidance at all staff meetings for information.

80.23 POLICIES

- 80.23.1 Mrs Loughran referred to the *Policies Review 2023* and Mr Brown spoke to same.
- 80.23.2 Mr Brown indicated a review of the organisation's policies has been undertaken and the Agency's new name has been updated. Mr Brown also referred to BSO HR policies which have been agreed at a regional level.
- 80.23.3 Mr Brown noted his intention to reissue all the policies to staff for information. The Board agreed that this should happen.

ACTION: Mr Brown to reissue all organisational and HR policies for information to staff.

81.23 EQUALITY REPORT

- 81.23.1 Mrs Loughran referred to the *Equality Report* from Mr Brown and the *Equality and Disability Action Plans 2023-2028*. He indicated the Equality and Disability

Action Plans 2023-2028 were submitted to the Equality Commission pending Board approval.

81.23.2 Mrs Loughran referred to the wording in the action plan and asked that 'children and young people' be referred to throughout the plan. She also suggested that wording be amended to reflect 'person who has a disability'.

81.23.3 Mrs Loughran indicated she would review the terminology used in the Equality and Disability Action Plans 2023-2028. Suggestions for amendments should be sent to her by Friday 10th November. These will then be resubmitted to the Equality Commission confirming Board approval.

81.23.4 Ms O'Kane referred to the Tapestry Group which is a staff disability network and meets regularly. She indicated the Agency also has a small disability group. Mr Wilson offered to join the group and provide input on behalf of the Board. Mrs Loughran thanked Mr Wilson for his offer.

ACTION: Suggested amendments to the terminology in the Equality and Disability Action Plans to be forwarded to Mrs Loughran by Friday 10th November 2023.

82.23 RISK REGISTER

82.23.1 Mrs Loughran referred to the *Risk Register* and confirmed it is a requirement that this is reviewed regularly by the Board.

82.23.2 Ms Shaw indicated that the Senior Leadership Team (SLT) reviewed the whole of the register following the guidance provided by Mr Wilson. SLT reworded the risks, controls and assurances, inherent risk level, impact, likelihood and current rating alongside actions planned. The target rating was not addressed.

82.23.3 Mr Wilson noted this was an excellent piece of work. He defined the target rating as being where would you like to be despite not having the ability to get there yet. Ms Shaw noted this would be updated for the next meeting. He indicated it is the Board's role to challenge the wording of the risk register.

82.23.4 Ms Shaw confirmed that 'risk management' is on the agenda of every meeting. The Risk Register will be reviewed at SLT x 4 times a year in advance of every Audit & Risk Committee in order to ensure it is updated for the meeting of the Board.

82.23.5 The Board discussed each of the risks on the Risk Register and noted the following:-

- **Risk 1** – The Board is content with the wording and risk as detailed.
- **Risk 2** – The Board is content with the wording and risk as detailed.
- **Risk 3** – The Board agreed that ‘*Internal Audit of BSO processes*’ should be included as a control/assurance.
- **Risk 4** – The Board acknowledged the importance of cyber security. It was highlighted that Mr Douglas and Mr Wilson should have Agency laptops for use with Agency business.
- **Risk 5** – Mrs Loughran noted that succession planning is very concerning. Ms Shaw indicated that she will revise all job descriptions for the SLT. The criteria for these roles will give an insight to identifying if any staff could meet this. She confirmed that two guardians started the Stronger Together course last year; a further three have started this year and a waiting list has been established for going forward. Ms Callaghan agreed that there is a need to be concerned and highlighted the need for the Agency to be an attractive organisation to potential applicants.
- **Risk 6** – Mr Brown is to update on the risk at the next Audit & Risk Committee.
- **Risk 7** – The Board agreed the current impact should be changed from Minor to *Moderate*.
- **Risk 8** – The Board agreed the current rating should change to *Extreme*.
- **Risk 9** – The Board is content with the wording and risk as detailed.
- **Risk 10** – The Board agreed that the ‘staff wellbeing conference’ and ‘peer supervision support’ be added to the actions planned and the existing controls and assurance. Mrs Loughran queried the status of the IIP Action Plan and indicated it should come to the February 2024 meeting of the Board for discussion.
- **Risk 11** – The Board is content with the wording and risk as detailed.

82.23.6 Mrs Loughran thanked the Board for their input. Mr Wilson, Ms Shaw and Mr Brown to bring the Risk Register to the Board for review twice a year.

82.23.7 It was agreed that the date of review and version be included on the front page of the Risk Register going forward.

ACTION: Mr Brown to arrange for Mr Douglas and Mr Wilson to have Agency laptops for use in their role as Board Member.

ACTION: Risk Register to be updated to reflect the amendments suggested by the Board.

83.23 BOARD COMMITTEE MEETINGS SINCE LAST MEETING OF THE BOARD

- 83.23.1 Mrs Loughran noted there was a meeting of the Audit & Risk Committee on 12th October 2023. She referred to the *Committee Report* detailing the business discussed at the meeting.
- 83.23.2 Mr Wilson reported that the internal audit report on *Risk Management & Corporate Governance* was given *satisfactory assurance*. He indicated there were a number of recommendations made, a number of which are already in place. Training on risk management will be provided for all managers, regardless of role; Mr Brown is currently trying to get a speaker for this.
- 82.23.3 Ms Callaghan referred to the development of an integrated assurance framework which was a recommendation and indicated this was still outstanding. Mr Wilson referred to the assurance framework and the governance framework and governance plan and noted the need for an overarching document that pulls all three together. Mrs Loughran asked that Mr Wilson work with Mr Brown to look at the audit recommendations and ensure we have the three documents as required; this should come to the Audit & Risk Committee in March and the April meeting of the Board for discussion.

ACTION: Mr Wilson and Mr Brown to liaise over the review/preparation of the Assurance Framework, Governance Framework and Governance Plan, for discussion at the March 2024 meeting of the Audit & Risk Committee and then April 2024 meeting of the Board.

84.23 DEPARTMENTAL / OTHER CORRESPONDENCE

- 84.23.1 Mrs Loughran referred to correspondence shared for information purposes and for noting: -
- a. *Guidance on Roles & Responsibilities – Change or Withdrawal of Services:*
The Board noted the afore mentioned guidance.
 - b. *Public Consultation – Recommendations from the Independent Review of Children's Social Care Services:*
Ms Shaw confirmed the consultation response is due in early December 2023. Managers are meeting next week to look at the detail of the Agency's response. The draft response will be circulated to Board Members for comment.
 - c. *HSC(F) 33 2023 - Revised HSC and NIFRS Delegated Limits:*
The Board noted the afore mentioned guidance.

85.23 ANY OTHER BUSINESS

- 85.23.1 **SCG Workshop:** Ms Callaghan referred to the SCG Workshop which took place in September. It was agreed there that the *Risk Register* would be a standing item on each agenda. Term of Reference and Standing Orders should be refreshed to reflect this.
- 85.23.2 Ms Callaghan referred to the move to an annual plan which will cover areas of audit, within our gift to do so. She noted a lot of time was spent referring to reporting timelines and target timelines.
- 85.23.3 Ms Callaghan indicated the largest part of the discussion was around the infrastructure needed to support SCG. There is a need to develop an SCG framework and look at how it meets with the Corporate framework; she referred to the regional model to be followed.
- 85.23.4 Ms Callaghan noted that the next steps is for SLT to consider those areas and update and bring to the next SCG Committee meeting.
- 85.23.5 Mr Douglas referred to mandatory training for everyone and asked that feedback on completion be reported at the next meeting of the Board. He noted its importance given it was an internal audit recommendation. Ms Shaw indicated she would issue a reminder to staff and also remind them at staff meetings too.

ACTION: Outcomes from SCG Workshop to be progressed and brought to the next meeting of the SCG Committee.

ACTION: Report on completion of mandatory training to be reported next meeting of the Board.

86.23 CONFIDENTIAL SECTION

- 86.23.1 The Board met in confidential session.

87.23 BOARD SELF ASSESSMENT

- 87.23.1 After the business of the meeting concluded, members collectively took time to complete the Self-Assessment of the Board.

END TIME: 2.30PM

DATE OF NEXT BOARD MEETING: 14th DECEMBER 2023 @ 9.30am

ACTION LIST

Ref	Action	By Whom	Progress Noted for Meeting
77.23 Standing Orders	Mr Brown to update the Standing Orders to reflect new delegated limits for expenditure in Circular reference: HSC(F) 33-2023.	Mr Brown	
80.23 Policies	Mr Brown to reissue all organisational and HR policies for information to staff.	Mr Brown	
81.23 Equality Report	Suggested amendments to the terminology in the Equality and Disability Action Plans to be forwarded to Mrs Loughran by Friday 10 th November 2023.	Mrs Loughran / Board Members	
82.23 Risk Register	Mr Brown to arrange for Mr Douglas and Mr Wilson to have Agency laptops for use in their role as Board Member. Risk Register to be updated to reflect the amendments suggested by the Board.	Mr Brown Mr Brown / Ms Shaw	
82.23 Board committee Meetings since Last meeting of the Board	Mr Wilson and Mr Brown to liaise over the review/preparation of the Assurance Framework, Governance Framework and Governance Plan, for discussion at the March 2024 meeting of the Audit & Risk Committee and then April 2024 meeting of the Board.	Mr Brown / Mr Wilson	
85.23 Any Other Business - SCG workshop	Outcomes from SCG Workshop to be progressed and brought to the next meeting of the SCG Committee. Report on completion of mandatory training to be reported next meeting of the Board.	Mrs Fallon Mr Brown	