

# **STANDING ORDERS & STANDING FINANCIAL INSTRUCTIONS**

**FOR THE**

**CHILDRENS COURT GUARDIAN AGENCY FOR  
NORTHERN IRELAND**

**THIS IS A CONTROLLED DOCUMENT**

## **CHANGES**

- CHANGES MUST BE AUTHORISED BY THE CHIEF EXECUTIVE AND APPROVED BY THE BOARD
- THE MODIFICATION STATUS FORM MUST BE COMPLETED

**Reviewed 2013, 2014, 2016, 2019, 2020, 2021, 2023**

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## MODIFICATION STATUS FORM

No.	Section	Pages	Amendment	Date
1	5.1.5	29	Clarification of remuneration committee membership	10/10/19
2	5.1.5	29	Clarification of role of board	10/10/19
3	6.4	51	Change of title	10/10/19
4	7.2	54	Replace controls assurance	10/10/19
5	3.3.1	56	Replace controls assurance	10/10/19
6	1.2.2	75	Remove controls assurance	10/10/19
7	1.4.2	77	Attendance by Sponsor Branch at meetings	10/10/19
8	Reporting	80	Removal of reference to controls assurances	10/10/19
9	Background	82	Clarification on Senior Executives (i.e. CX)	10/10/19
10	Membership	82	Clarification on Membership and attendance	10/10/19
11	Frequency	83	Committee to meet annually	10/10/19
12	Authority	83	Responsibility of attendance of relevant officers	10/10/19
13	Duties	84	Remove pt e) and pt f)	10/10/19
14	introduction	86	Remove introduction section	10/10/19
15	1.2	87	Report provided after each meeting	10/10/19
16	1.3 role	87	Clarity on role	10/10/19
17	Terms of ref	88	Report produced after each meeting and annually	10/10/19
18	meetings	89	SCG to meet twice a year	10/10/19
19	Conduct of business	90	Report to board after each mtg	10/10/19
20	Policy background	90	Remove background	10/10/19
21	Policy background	91	Remove background	10/10/19
22	reporting	93	Remove – at first meeting in financial yr	10/10/19
23	membership	94	Clarification on membership	10/10/19
24	agenda	94	Amend standing items	10/10/19
25	Quorum	34	Quorum reduced to 2 for Board meetings	23/04/20
26	Chair	33	Chairing of Board in the absence of the appointed chair	23/04/20
27	Committees	26	Remove information governance committee	26/5/23
29	Role of Senior Leadership Team	29	Remove Quality and Training Manager	26/05/23
30	CX Scheme of Delegation	56	Replace CAS and Controls Assurance Standard with	26/05/23
31	Entire document	Various	Replacement of NIGALA with Children's Court Guardian Agency for Northern Ireland	26/05/23

No	Section	Pages	Amendment	Date
31	Governance, Risk Management and Internal Control	77	INSERT The policies and procedures for ensuring that there is compliance with relevant regulatory, legal and code of conduct requirements as set out in the UK General Data Protection (GDPR) and other relevant guidance on Information Governance.	26/05/23
32	Appendices	89	Remove Appendix 7 Information Governance Committee	26/05/23
33	Statutory Framework	8	Rewording of statutory framework to note <b>Children's Court Guardian Agency for Northern Ireland (Establishment and Constitution) Order (Northern Ireland) 2023.</b>	26/05/23
34	Functions	9	Functions  The primary function of the Children's Court Guardian Agency for Northern Ireland is to provide children's court guardians who are appointed by the court to safeguard the interests of children in family law proceedings, including care and adoption proceedings.	26/05/23
35	Use of External Consultants	67,68	Circular updated on engagement of consultants <b>HSC(F) 36-2021</b>	26/05/23
36	Delegated limits Updated	24,49, 61,65, 66	Circular updated on delegated limits HSC (F) 23-2023	7/9.23
37	Internal Udit recommendations		SFI included on cover	

## FOREWORD

As of the 4<sup>th</sup> March 2023, The Children’s Court Guardian Agency for Northern Ireland is the new name for the Northern Ireland Guardian Ad Litem Agency (NIGALA). The Northern Ireland Guardian Ad Litem Agency (NIGALA) was established as a Special Agency by virtue of powers contained in the Health and Personal Social Services (Special Agencies) (NI) Order 1990. The Northern Ireland Guardian Ad Litem (Establishment and Constitution) Order (NI) 1995 was introduced on 1<sup>st</sup> December 1995 making provision for the constitution of the Agency and appointment of the Agency Board.

The Standing Orders reserved and delegated powers and Standing Financial Instructions provide a comprehensive business framework for the management and operation of the Children’s Court Guardian Agency for Northern Ireland and enable the organisation to discharge its functions. They seek to ensure the maintenance of public service values and high standards of personal conduct of our Board members and staff.

These documents fulfil the dual role of protecting The Children’s Court Guardian Agency for Northern Ireland’s interests (ensuring for example, that all transactions maximise the benefit to the Children’s Court Guardian Agency for Northern Ireland) and protecting staff from any possible accusation that they have acted less than properly (provided that staff have followed the correct procedures outlined in the relevant documents).

Chair, Board Members, Senior Leadership Team and all members of staff shall be aware of the existence of these documents and, where necessary, be familiar with the detailed provisions required to comply fully with the regulations.

The Children’s Court Guardian Agency for Northern Ireland is committed to conducting its business and its meetings as publicly and openly as possible. The Children’s Court Guardian Agency for Northern Ireland is required to comply with all existing legislation, Department of Health Guidance e.g Management Statement/Financial Memorandum (2017), Partnership Agreement, Circulars and Regulations insofar as these impact upon the Children’s Court Guardian Agency for Northern Ireland functions, activities and conduct. Where these are replaced or updated throughout the year, the new provision shall apply.

The Standing Orders were approved by the Board at its meeting on 22<sup>nd</sup> June 2023 and subsequently submitted to the Department of Health for information



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Gemma Loughran, Chair



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Dawn Shaw, Chief Executive

# **STANDING ORDERS AND STANDING FINANCIAL INSTRUCTIONS**

# 1. INTRODUCTION

- 1.1 Statutory Framework
- 1.2 Functions of the Children’s Court Guardian Agency for Northern Ireland
- 1.3 Composition of the Agency
- 1.4 Statutory Accountability
- 1.5 Financial and Performance Framework
- 1.6 Interpretation of Terms Used

## 1.1 *Statutory Framework*

The Agency was established by the Children’s Court Guardian Agency for Northern Ireland (Establishment and Constitution) Order (Northern Ireland) 2023.

The Order changed the name of the Northern Ireland Guardian Ad Litem Agency (NIGALA) to the Children's Court Guardian Agency for Northern Ireland (CCGANI). It does so by revoking the Order that established NIGALA - the Northern Ireland Guardian Ad Litem Agency (Establishment and Constitution) Order (Northern Ireland) 1995 - and restating its provisions in this Order but with any references to NIGALA in the title and provisions replaced with the Agency's new name.

1.1.2 In addition the Department has also issued:

- A Functions Direction
- An Accounts And Financial Provisions Direction and
- A Management Framework Memorandum

## **1.2 Functions of the Children’s Court Guardian Agency for Northern Ireland**

- 1.2.1 The primary function of the Children’s Court Guardian Agency for Northern Ireland is to provide children’s court guardians who are appointed by the court to safeguard the interests of children in family law proceedings, including care and adoption proceedings.
- 1.2.2 Guardians will be appointed by the courts in specified family proceedings and adoption proceedings. Their role is to represent the child before the court regarding his or her best interests and to ensure that the child’s wishes and feelings are made clear to the court. The paramountcy of the welfare of the child and the requirement that the voice of the child should be heard when decisions are being made about his or her future, are central principles of the Children Order. The Guardian, therefore, has a crucial role to play in helping to ensure that the legislation works as Parliament intended and that the principles of the Children Order are reflected in practice.
- 1.2.3 The Guardians are qualified social workers with considerable experience of child care matters and a sound understanding of family law. Their task is prescribed in Rules of Court but will, inevitably, demand that they possess a considerable analytical capability and well-developed inter-personal skills. The situations in which they will be involved will often be fraught with difficulty. Guardians are called upon to make careful assessment of complex family relationships and, based upon these, to determine what is likely to be the best future option for a child. There will frequently be considerable conflict and immense stress within the family with whom the Guardian is working. There may also be substantial differences in perception between the Guardian and the various professionals responsible for the welfare of the child, as to where the best long term interests of the child lie.

## **1.3 Composition of the Agency**

- 1.3.1 Having regard to the vital nature of the Agency’s role, the Department took great care in the appointment of the Agency’s Board. Its main aim being to ensure that the small membership should be well balanced in terms of corporate governance, legal and professional social work expertise combined with considerable business acumen.

## **1.4. Statutory Accountability**

- 1.4.1 The Codes of Conduct and Accountability<sup>1</sup> requires the Children’s Court Guardian Agency for Northern Ireland to adopt Standing Orders for the regulation of its proceedings and business and also to adopt Standing Financial Instructions as an integral part of Standing Orders setting out the financial responsibilities of budget-holders and individuals. It also specifies that the Board of the Children’s Court

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<sup>1</sup> Code of Conduct and Accountability - Circular HSS (PDD) 8/94



Guardian Agency for Northern Ireland shall draw up a Schedule of Powers Reserved to the Board, and a Scheme of Delegation to enable responsibility to be clearly delegated to Senior Executives. The Code of Accountability further requires the establishment of Audit and Remuneration Committees with formally agreed terms of reference.

- 1.4.2 The Code of Conduct and Accountability draw attention to the public service values required by all staff and specifically defines measures to deal with possible conflicts of interest of Board members, and makes various requirements concerning such possible conflicts of interest of members.
- 1.4.3 The Code of Practice on Openness in the NHS<sup>2</sup> sets out the requirements for public access to information on the HSC and for the conduct of Board meetings. The Children's Court Guardian Agency for Northern Ireland is required to ensure appropriate compliance with the Freedom of Information Act (2000).

## 1.5 Financial and Performance Framework

- 1.5.1 A Management Statement establishes the framework agreed with the Department of Health within which the Children's Court Guardian Agency for Northern Ireland operates.
- 1.5.2 The associated Financial Memorandum sets out certain aspects of the financial provisions which the Children's Court Guardian Agency for Northern Ireland observes.
- 1.5.3 A copy of the Management Statement/Financial Memorandum will be tabled for the information of Board Members at least annually at a full meeting of the Board, Amendments to the Management Statement/Financial Memorandum will be brought to the attention of the full Board on a timely basis.
- 1.5.4 Consistent with the timetable for the Northern Ireland Executive budgets, the Children's Court Guardian Agency for Northern Ireland shall submit to the Department of Health a draft of the Children's Court Guardian Agency for Northern Ireland's *Strategic Plan* covering up to five years ahead. The *Strategic Plan* shall be published by the Children's Court Guardian Agency for Northern Ireland and made available on its website.
- 1.5.5 The *Financial Memorandum* sets out in detail certain aspects of the financial provisions which the Children's Court Guardian Agency for Northern Ireland shall observe: Income and Expenditure (General); Children's Court Guardian Agency for Northern Ireland Income; Expenditure on Staff; Non-Staff Expenditure; Management and Disposal of

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<sup>2</sup> Code of Practice on Openness in the NHS, 2003 (Revised 2008) Department of Health

Fixed Assets; Budgeting Procedures; Banking; Compliance with Instructions and Guidance and; Review of Financial Memorandum.

- 1.5.6 The terms and conditions set out in the combined *Management Statement* and *Financial Memorandum* may be supplemented by guidelines or directions issued by the Department of Health in respect of the exercise of any individual functions, powers and duties of the Children’s Court Guardian Agency for Northern Ireland.
- 1.5.7 The Children’s Court Guardian Agency for Northern Ireland shall satisfy the conditions and requirements set out in the combined document, together with such other conditions as the Department of Health/Minister may from time to time impose.
- 1.5.8 After the end of each financial year the Children’s Court Guardian Agency for Northern Ireland shall publish, as a single document, an annual report of its activities together with relevant extracts from its audited annual accounts.
- 1.5.9 The Children’s Court Guardian Agency for Northern Ireland has a number of financial targets and policies within which it is obliged to operate. These are as follows:
- To break even on its Statement of Comprehensive Net Expenditure Account year on year and to maintain its Net Current Assets;
  - To maintain annual management and administration costs at or below limits set by the Department of Health;
  - To stay within its cash limit for the year;
  - To operate within the Resource Limits, both Capital and Revenue set by the Department of Health; and
  - To comply with the Confederation of British Industry “Better Payments Practice Code” which advocates:
    - Explaining payment procedures to suppliers;
    - Agreeing payment terms at the outset and adhering to these;
    - Paying bills in accordance with agreed terms, or as agreed by law;
    - Telling suppliers without delay when an invoice is contested; Settling quickly when a contested invoice gets a satisfactory response and;
    - Payment must be made within 30 days of the receipt of goods or valid invoice.

1.5.10 The Business Services Organisation provides a number of services to the Agency. These include; shared services in Human Resources, Finance, Estate Management and Maintenance, Information Technology, Information and Procurement, Equality, Recruitment and Information Technology.

- The Services provided are set out under a Service Level Agreement which is signed by the Chief Executive on an annual basis.
- The Business Services organisation works under a mandate from the DoH to provide shared services to all HSC organisations.
- The Business Services Organisation is responsible to the performance delivery of these services. The accountability though remains with the Agency as part of its Financial and Performance Framework

## **1.6 Bank Accounts**

The Children's Court Guardian Agency under has a service level agreement contract with the Business Services Organisation finance directorate in the delivery of Banking arrangements on behalf of the Agency.

1.6.1 The Head of Corporate Services is responsible for the Agency's banking arrangements and for advising the Agency Board on the provision of banking services and operation of accounts. This advice will take into account guidance and directions issued by the Business Services Organisation and from time to time the DoH.

The Board shall approve the banking arrangements.

## **1.7 The Children's Court Guardian Agency for Northern Ireland**

The Headquarters of the Children's Court Guardian Agency for Northern Ireland is at James House, The Gasworks, 2-4 Cromac Avenue, BT7 2JD. The Agency has two satellite offices based at

- Spencer House, 14-22 Spencer Road, Londonderry
- Dobbin Centre, Dobbin Street Lane, Armagh

## **1.8 Interpretation of Terms Used**

1.7.1 Save as permitted by law, at any meeting the Chair of the Board shall be the final authority on the interpretation of Standing Orders on which he shall be advised by the Chief Executive and/or Secretary to the Board.

1.7.2 Any expression to which a meaning is given in the Health and Personal Social Services Orders of 1972 and 1991 and the Health and Social Care (Reform) Act (Northern Ireland) 2009 shall have the same meaning in this interpretation and in addition:

**"Accounting Officer"** shall be the Chief Executive who is personally responsible for safeguarding the public funds of which s/he has charge; for ensuring propriety and regularity in the handling of those funds; and for the day to day operations and management of the Children's Court Guardian Agency for Northern Ireland. In addition, he should ensure that the Children's Court Guardian Agency for Northern Ireland, is run on the basis of the standards (in terms of governance, decision-making and financial management) as set out in *Managing Public Money Northern Ireland*.

**"Board"** shall mean the Chair, and Non-Executive (or non-officer) Directors, appointed by the Minister with responsibility for Health and the Executive (or officer) members appointed by the Board.

**"Budget"** means a resource, expressed in financial terms, approved by the Board for the purpose of carrying out, for a specific period, any or all of the functions of the Board.

**"Chair"** is the person appointed by the Minister to lead the Board and to ensure that it successfully discharges its responsibility for the Children's Court Guardian Agency for Northern Ireland. The expression 'Chair of the Board' shall be deemed to include the member of the Board deputising for the Chair if s/he is absent from the meeting or is otherwise unavailable.

**"Chief Executive"** means the Chief Officer of the Children's Court Guardian Agency for Northern Ireland.

**"Contracting and procurement"** means the systems for obtaining the supply of goods, materials, manufactured items, services, building and engineering services, works of construction and maintenance and for disposal of surplus and obsolete assets.

**"Committee"** shall mean a Committee established by the Board either for its own good governance or by Department of Health direction or by legislation.

**"Committee Members"** shall be persons formally appointed by the Board to sit on or to chair specific Committees.

**"Director" – there are three categories:** Chief Executive means an officer member of the Board; Non-Executive Director means a non-officer member of the Board and; the term "Director" will be applied to a functional Director of the Organisation.

**“HSC”** refers to Health and Social Care (This was previously known as HPSS and references to HPSS relate to previously published documents).

**“Information Communication Technology (ICT) Policy”** refers to the Children’s Court Guardian Agency for Northern Ireland ICT Security Policy and applies to all staff. The ICT Security Policy mandates the minimum ICT Security standards to be applied to all HSC organisations.

**“Member”** shall mean Non-Executive Director (Non-Officer Member) or Chief Executive (Officer Member) of the Board but does not include its Chair.

**“Nominated Officer”** means an Officer charged with the responsibility for discharging specific tasks within Standing Orders and Standing Financial Instructions.

**“Observer status”** means someone who attends Board meetings and may participate in Board discussions, but does not have the ability to vote on matters.

**“Officer”** shall mean employee of the HSC organisation. In certain circumstances, officer may include a person who is employed by another HSC organisation or by Third Party contracted to or by the organisation who carries out functions on behalf of the organisation.

**“Public”** means any person who is not a Board member or a member of staff.

**“Secretary”** means a person who is independent of the Board’s decision making process and who shall be appointed, by the Board, to have responsibility for the administration of the Board of the Children’s Court Guardian Agency for Northern Ireland.

**“Senior Leadership Team”** comprises of the Chief Executive, all designated Assistant Directors, Head of Corporate Services and Business Support Manager and any other Officer whom the Chief Executive determines should be a member of the Senior Leadership Team.

**“Standing Financial Instructions”** set out the financial responsibilities of budget-holders and individuals.

**“Sub-Committee”** means a committee of a committee established by the Board.

**“Vice-Chair”** means a Non-Executive Director who may be appointed by the Board to take on the Chair’s duties if the Chair is absent for any reason.

## 2. POWERS RESERVED TO THE CHILDREN'S COURT GUARDIAN AGENCY FOR NORTHERN IRELAND BOARD

### 2.1 Introduction

### 2.2 Key Functions of the Board

### 2.3 Decisions Reserved for the Board

#### 2.1 Introduction

2.1.1 The matters reserved to the Board of each HSC organisation are derived from the Code of Conduct and Code of Accountability issued by the Health and Personal Social Services Management Executive and guidance on implementation given in Circular HSS (PDD) 8/94 under cover of a letter dated 15 November 1994.

2.1.2 Section 6 of the Code directs that:

“Boards have six key functions for which they are held accountable by the Department of Health on behalf of the Minister:

- To set the *strategic direction* of the organisation within the overall policies and priorities of the HPSS, define its annual and longer term objectives and agree plans to achieve them.
- To oversee the delivery of planned results by *monitoring performance* against objectives and ensuring corrective action is taken as necessary.
- To ensure effective *financial stewardship* through value for money, financial control and financial planning and strategy.
- To ensure that high standards of *corporate governance* and personal behaviour are maintained in the conduct of the business of the whole organisation.
- To put in place systems to *appoint, appraise and remunerate senior executives*.
- To ensure that there is *effective dialogue between the organisation and the local community* on its plans and performance and that these are responsive to the community's needs.

## **2.2 Key Functions of the Board of the Children’s Court Guardian Agency for Northern Ireland**

- 2.2.1 The 'Schedule of Powers Reserved to the Board' is sub-divided to correspond with the six key functions specified above.
- 2.2.2 These matters are to be regarded as a guideline to the minimum requirement and shall not be interpreted so as to exclude any other issues which it might be appropriate, because of their exceptional nature, to bring to the Board.
- 2.2.3 The Chair, in consultation with the Chief Executive, shall determine whether other issues shall be brought to the Board for consideration.

## **2.3 The following decisions are reserved for the Board of the Agency:**

### **Governance**

2.3.1 The following matters are reserved to the board:-

- (i) Review, compliance and approval of standing orders and of matters reserved for Board approval
- (ii) Approval of arrangements for dealing with complaints
- (iii) Approval of the Equality Scheme
- (iv) Approval of the freedom of information publication scheme
- (v) Approval of relevant organisation-wide policies as agreed by the Chief Executive and Chair of the Board
- (vi) Approval of the organisation’s response to relevant public consultations as agreed by the Chief Executive and Chair of the Board
- (vii) Establishment and dissolution of committees
- (viii) Approval of procedures for the evaluation of the effectiveness of the board
- (ix) Review the Register of Interests for Board Members and staff
- (x) Approval of the Staff Code of Conduct.

### **Strategy, plans and budgets**

2.3.2 The following matters are reserved to the Board:

- (i) Definition of the Board’s vision, mission, aims and objectives

- (ii) Ownership of Strategic Plan
- (iii) Approval of annual budget and estimates
- (iv) Monitoring of performance and budget on a regular basis.

### **Staffing**

2.3.3 The following matters are reserved to the Board:-

- (i) Appointment or dismissal of the Chief Executive
- (ii) Approval of the appointments procedure
- (iii) Consideration of recommendations from the remuneration committee
- (iv) Approval of the Disciplinary Procedure
- (v) Approval of the Grievance Procedure
- (vi) Approval of the Redundancy Policy
- (vii) Approval of the staff Appraisal Policy and performance appraisal of the Chief Executive
- (viii) Approval of any substantial organisational restructuring, which involves any compulsory redundancy.

### **Financial arrangements**

2.3.4 The following matters are reserved to the Board:-

- (i) Approval of the opening or closing of any current account
- (ii) Approval of the writing-off of any loss in excess of £10,000
- (iii) Approval of disposal of assets above £10,000
- (iv) Approval of capital expenditure
- (v) Approval of investment strategy
- (vi) Approval of the Counter Fraud Policy
- (vii) Any other matter that is of significant financial or reputational risk to the Board.



## Capital and Revenue Expenditure - Circular *HSC (F) 23-2023: Revision of HSC Delegated Limits*

Item	Agency Board	DOH
Capital	Up to £10,000	>£10,000
Consultancy	Up to £10,000	>£10,000
IT Projects	Up to £10,000	>£10,000
Losses - personal injury and other ex gratia payments	Up to £25,000	>£25,000
Special Payments – cash losses, fruitless payments and bad debts	Up to £30,000	>£30,000
Special Payments – losses of property in stores and in use	Up to £30,000	>£30,000

## Purchasing

2.3.5 The following matters are reserved to the Board:-

- (i) Approval of the Purchasing Policy
- (ii) Approval of a contract which exceeds £10,000.

Value of Order	Requirement*	Authorisation	Authorisation to Waiver Procedure
Up to £5,000	May be placed without seeking quotations	Purchasing and Finance Policy.	-
£5,001 to £10,000	Tenders/Quotations from not less than 4* suppliers	Chief Executive	Chief Executive
£10,001 - £30,000	Tenders and written quotations from not less than 4 suppliers	Board	Board
£30,001 to £138760,	Tender exercise through BSO Procurement and Logistics Service ( a COPE Centre of Procurement Excellence)	Board	Board
Above £138760	Subject to the Public Supply Contracts Regulations 2015 and Public Services Contract Regulations 2015	Board	-

\* See ME Circular HSS (PPM) 12/2002 and DHSSPS Guidance Note PPN 0421

\*See Scheme of Delegation - Delegation Budgets and Approval to spend funds

## **Auditing and Reporting**

2.3.6 The following matters are reserved to the Board:

- (i) Approval of the Annual Report and audited financial statements
- (ii) Appointment of an internal auditor
- (iii) Approval of the terms of reference of the Audit and Risk Committee.

# 3. POWERS DELEGATED BY THE BOARD

## 3.1 Arrangements for Delegation by the Board

### 3.1.1. Introduction

### 3.1.2. Delegation to Committees

### 3.1.3. Delegation to Officers

## 3.2 Chief Executive

## 3.3 Chief Executive's Scheme of Delegation

## 3.4 Administrative Schemes of Delegation

### 3.4.1. Delegation of Budgets for Administration

### 3.4.2. Procedure for Delegating Power to Authorise and Approve Administrative Expenditure

### 3.4.3. Procedure for Tendering and Contracting

### 3.4.4. Use of External Consultants

## 3.5 Cash Management Reserved to DoH

## 3.1 Arrangements for Delegation by the Board

### 3.1.1 Introduction

The HPSS (NI) Order 1972, the HPSS (NI) Orders 1991 and 1994 and the Health and Social Care (Reform) Act (Northern Ireland) 2009 allow for the functions of the Board to be carried out on behalf of the Board by other people and bodies.

Subject to such directions as may be given by the Department of Health, the Children's Court Guardian Agency for Northern Ireland may make arrangements for the exercise, on its behalf, of any of its functions by a Committee, sub-Committee or joint Committee, appointed by virtue of Standing Order 3.1.2 or the Chief Executive in each case subject to such restrictions and conditions as the Board thinks fit.

Where functions are delegated, this means that, although the carrying out of the function (ie day to day running) is delegated to another body, the Board retains the responsibility for the service.

### **3.1.2 Delegation to Committees**

The Board shall, in accordance with Paragraph 7 of Schedule 1 of the Health and Social Care (Reform) Act (NI) 2009 appoint a number of committees.

The Children's Court Guardian Agency for Northern Ireland has established the following Committees:

- Audit
- Remuneration
- Social Care Governance

The Board shall approve the constitution and Terms of Reference of these Committees, or sub-Committees, or Joint Committee, and their specific executive powers.

The Terms of Reference pertaining to each are set out in the appendices to the Standing Orders.

The Board shall agree any amendment to the delegation of executive powers to be exercised by Committees, or sub-Committees, or Joint Committee, which it has formally constituted, as part of the annual review of Standing Orders, or as required.

The Board may also establish other Committees or sub-Committees as appropriate.

### **3.1.3 Delegation to Officers**

The Chief Executive shall prepare a Scheme of Delegation identifying arrangements and who will be responsible for affecting these arrangements through the Senior Leadership Team and to ensure appropriate training.

Nothing in the Scheme of Delegation shall impair the discharge of the direct accountability to the Board by the Head of Corporate Services, Assistant Director any other Director or Officer to provide information and advice the Board in accordance with statutory requirements. Outside these statutory requirements, the roles of the Head of Corporate Services, Assistant Director, and all other Directors and Officers shall be accountable to the Chief Executive for operational matters.

## **3.2 Chief Executive**

The Chief Executive shall exercise those functions of the Board, which are not reserved to the Board or delegated to a Committee, sub-Committee or Joint Committee, on behalf of the Board.

The Chief Executive shall determine which function s/he shall perform personally and shall delegate to nominated officers the remaining functions for which he shall still retain accountability to the Board.

## **3.3 Chief Executive's Scheme of Delegation**

The Chief Executive will delegate specific areas of the Board's responsibilities which are not reserved to the Board and may be delegated to a Director, Group/Committee or Officer.

### **3.3.1 Governance**

The Chief Executive is responsible for all other governance matters not precluded under the standing orders, specifically:

- (i) Acting as the Board's Accounting Officer
- (ii) Secretarial function of the Board
- (iii) Recording and reporting on the Board's governance arrangements
- (iv) Implementation of the complaints scheme, equality scheme, freedom of information publication scheme, staff code of conduct and other policies
- (v) Undertaking the review of internal controls and publication of the annual governance statement (statement on internal control)

### **3.3.2 Strategy, Plans and Budgets**

The Chief Executive is responsible for all other strategy, planning and budgeting matters not precluded under the standing orders, specifically:

- (i) Preparation of the annual budget and estimates and controlling of income and expenditure
- (ii) Preparation of the draft Strategic Plan and implementation of the plan
- (iii) Advising the Board on strategic issues

### **3.3.3 Staffing**

The Chief Executive is responsible for all other staffing matters not precluded under these standing orders, specifically:

- (i) The recruitment and appointment of all staff in accordance with the appointments procedure
- (ii) Implementation of the staff appraisal system
- (iii) The taking of disciplinary action in accordance with the Disciplinary Procedure
- (iv) The operation of the Grievance Procedure
- (v) Organisational restructuring which does not involve any compulsory redundancy
- (vi) Setting of terms and conditions of employment

### **3.3.4 Financial Matters**

The Chief Executive is responsible for all other financial matters not precluded under standing orders, specifically:

- (i) Authorisation of cheques and transfers of funds
- (ii) Implementation of the credit control policy
- (iii) Maintenance of a petty cash fund
- (iv) Collection of income and payment of expenditure
- (v) Execution of the Counter Fraud Policy
- (vi) Ensuring steps are taken to safeguard assets of the organisation

### **3.3.5 Procurement**

The Chief Executive is responsible for all other purchasing matters not precluded under standing orders, specifically:

- (i) Approval of contracts of £10,000 or less
- (ii) Authorising contracts/appointments which have been approved by the Board
- (iii) Implementation of the Purchasing Policy

In the case of a tender approved by the Chief Executive in excess of £5000 and which was not the lowest priced tender received, a report on the selection process should be made to the Board.

### **3.3.6 Auditing**

The Chief Executive is responsible for all other auditing and reporting matters not precluded under standing orders, specifically:

- (i) All responsibilities required of the Accounting Officer
- (ii) Preparation of the Annual Report and financial statements
- (iii) Preparation of the Governance Statement (statement on internal control)
- (iv) Undertaking a review of risks and maintenance of the Risk Register

## **3.4 Administrative Schemes of Delegation**

### **3.4.1 Delegation of Budgets for Administration**

Each year, on behalf of the Chief Executive, the Corporate Services Manager will bring forward, for consideration and approval by the Senior Leadership Team, a schedule of budgetary delegation to individual Directors of the budget for management and administration expenditure within the financial limits specified by the Department of Health (Circular Ref HSC(F) 23 2023) .

### **3.4.2 Procedure for Delegating Power to Authorise and Approve Administrative Expenditure**

Each year, on behalf of the Chief Executive, the Corporate Services Manager will bring forward for consideration and approval by the Senior Leadership Team, a schedule of delegated authority for authorisation and approval of specific expenditure by Director, nominated individuals and their associated authorisation and approval limits. Following approval, these will be shared with the Business Services Organisation to ensure only authorised individuals commit the Board to expenditure within approved monetary limits.

### **3.4.3 Procedure for Tendering and Contracting**

The tendering and contracting for most services and supplies to the Children's Court Guardian Agency for Northern Ireland will be undertaken by the Procurement and Logistics Service (PaLs) of the Business Services Organisation in its role as a recognised centre of procurement expertise. Certain specified areas of procurement, eg care service commissioning/procurement will be reserved to the Board/Chief Executive and delegated to nominated committees/officers of the Board.

### **3.4.4 Duty to comply with Standing Orders and Standing Financial Instructions**

The procedure for making all contracts by or on behalf of the Agency shall comply with all relevant legislation, Northern Ireland Public Procurement Policy and these Standing Orders and Standing Financial Instructions (except where Standing Order No. 3.13 Suspension of Standing Orders is applied).

#### **3.4.5 Northern Ireland Public Procurement Policy Governing Public Procurement and DoH Mini-Code Guidance.**

Northern Ireland Public Procurement Policy and Guidance on procurement matters promulgated by the DoH prescribing procedures for awarding all forms of contracts shall have effect as if incorporated in these Standing Orders and Standing Financial Instructions

#### **3.4.6 Use of External Consultants**

External consultancy services, including the widely used term “Management Consultants” are provided by an external supplier/provider, individual, agency, or firm for a limited period of time to carry out a specific or “one off” task or project. DHSSPS Circular HSC (F) 36/2021 and Annexes (1) and (2) provide extensive guidance on the engagement of External Consultants for Revenue Expenditure.

Circular HSC (F) 13/2022 states that:

- Single Action Tenders of any value require Departmental Accounting Officer approval;
- Competitive Tenders in relation to engagement of consultants above £10,000 require prior approval of the Minister and above £75,000 also require approval by the Department of Finance and Personnel.
- Competitive Tenders in relation to engagement of consultants below £10,000 do not require Departmental approval, unless they are single action tenders, but nonetheless organisations must advise the Department of these in advance of the engagement of consultants and submit a proportionate business case. They will require approval by Children’s Court Guardian Agency Chief Executive.

#### **3.4.7 ICT and ICT Related Investment and Expenditure**

The approval of the Children’s Court Guardian Agency for Northern Ireland ICT Strategy is reserved to the Board. The approval of Business Cases and associated capital investment and expenditure is delegated to the Chief Executive within the parameters of the approved strategy, Department of Health directions and available capital and revenue allocations.

### **3.5 Financial Schemes of Delegation**

#### **3.5.1 Budget Delegation and Cash Management**



The Head of Corporate Services will bring forward for consideration and approval by the Chief Executive, a scheme of budgetary delegation. The responsibility for the authorisation and approval of Cash Advances to the Children's Court Guardian Agency for Northern Ireland is reserved to the Department of Health.

# 4. BOARD COMMITTEES

## 4.1 Appointment of Committees

### 4.2 Committees

#### 4.1 Appointment of Committees

- 4.1.1 Subject to such directions as may be given by the Minister, the Board shall, if directed by the Department of Health, appoint Committees of the Board, or together with one or more other bodies appoint a joint Committee consisting, in either case, wholly or partly of the Chair and Members of the Board or other bodies or wholly of persons who are not Members of the Board or other bodies in question.
- 4.1.2 A Committee or joint Committee appointed under this Standing Order may, subject to such directions as may be given by the Minister, the Board or other bodies, appoint sub-Committees consisting wholly or partly of members of the Committee or joint Committee (whether or not they are members of the Board or other bodies in question) or wholly of persons who are not members of the Board or other bodies or the Committee of the Board or other bodies in question.
- 4.1.3 The Standing Orders of the Children’s Court Guardian Agency for Northern Ireland shall apply, as appropriate, to meetings of Committees established by the Board.
- 4.1.4 Each Committee shall have such terms of reference and powers, membership and be subject to such reporting back arrangements as the Board shall decide. The Terms of Reference for each Committee are incorporated as Appendices to the Standing Orders.
- 4.1.5 Where Committees are authorised to establish sub-Committees, they may not delegate executive powers to the sub-Committee unless expressly authorised by the Board.

## 4.2 Committees

4.2.1 Committees of the Board are detailed below and the relevant terms of references are in the appendices.

### Board Committees

- Audit and Risk Committee
- Remuneration Committee
- Social Care Governance Committee

# 5. CONDUCT OF BOARD BUSINESS

## 5.1 Constitution and Remit of the Children's Court Guardian Agency for Northern Ireland

### 5.1.1. Constitution

### 5.1.2. Remit

### 5.1.3. Composition of the Board

### 5.1.4 Role of Chair

### 5.1.5 Role of Non-Executive Directors

### 5.1.6 Role of Chief Executive

### 5.1.7 Role of Senior Leadership Team

## 5.2 Procedures for Meetings

### 5.1 Constitution and Remit of the Children's Court Guardian Agency for Northern Ireland

#### 5.1.1 Constitution

All business shall be conducted in the name of the Children's Court Guardian Agency for Northern Ireland.

#### 5.1.2 Remit

The powers of the Children's Court Guardian Agency for Northern Ireland established under statutory instruments shall be exercised by the Board meeting in public session except as otherwise provided for in Standing Order 5.2.15.

The Board shall define and regularly review the functions it exercises on behalf of the Minister.

The Board may only exercise certain powers and decisions in formal session. These powers and decisions are set out in "Powers Reserved to the Board" (Section 2) and have effect as if incorporated into the Standing Orders.

#### 5.1.3 Composition of the Board

The Department of Health, determines the composition of the Board which is currently as follows:

- a) A Chair appointed by Department of Health.
- b) A prescribed number of persons (Non-Executive Directors) appointed by Department of Health
- c) Chief Executive of the Children's Court Guardian Agency for Northern Ireland

Except insofar as regulations otherwise provide, no person who is an officer of the Children's Court Guardian Agency for Northern Ireland may be appointed under paragraphs a) or b) above. Regulations may provide that all or any of the persons appointed under b) above must fulfil prescribed conditions or hold posts of a prescribed description.

#### **5.1.4 Role of Chair**

The Chair is responsible for leading the Board and for ensuring that it successfully discharges its overall responsibility for the organisation as a whole.

The Chair is accountable to the Minister through the Departmental Accounting Officer.

The Chair has particular leadership responsibility on:

- Formulating the Board's strategy for discharging its duties;
- Ensuring that the Board, in reaching decisions, takes proper account of guidance provided by the Department of Health and other departmentally designated authorities;
- Ensuring that risk management is regularly and formally considered at Board meetings;
- Promoting the efficient, economic and effective use of staff and other resources;
- Encouraging high standards of propriety;
- Ensuring that the Children's Court Guardian Agency for Northern Ireland Board meets at regular intervals throughout the year and that the minutes of meetings accurately record the decisions taken and, where appropriate, the views of individual Board Members and;
- Ensuring that all Board Members are fully briefed on the terms of their appointment, their duties, rights and responsibilities and to annually assess the performance of individual Board Members.

#### **5.1.5 Role of Non-Executive Board Members**

Non-Executive Board Members are appointed by the Minister for Health to bring an independent judgement to bear on issues of strategy, performance, key appointments and accountability, through the Department of Health to the Minister and to the local community.

The contribution of Non-Executive Board Members to Board business derives from their wide experience and their detachment from the job of management. They have a key role in working with the Chair in the appointment of the Chief Executive and other Executive Board Members.

The Chair and a Non-Executive Board Member compromise the Remuneration and Audit and Risk Committee.

Non-Executive Board Members shall also undertake specific functions agreed by the Agency including an oversight of relations with staff, the general public and the media, participation in professional conduct and competency enquiries, staff disciplinary appeals and oversight of procurement of largescale projects in information management and technology. This exercise of such functions shall be in a non-executive capacity.

#### **5.1.6 Role of Chief Executive**

The Chief Executive is directly accountable to the Chair and Non-Executive Members of the Board for ensuring that Board decisions are implemented, that the organisation works effectively in accordance with governance policy and public services values, and for the maintenance of proper financial stewardship.

The Chief Executive should be allowed full scope, within clearly defined delegated powers, to fulfil the decisions of the Board.

#### **5.1.7 Role of Senior Leadership Team**

The Senior Leadership Team of the Children's Court Guardian Agency for Northern Ireland comprises of:-

- the Chief Executive; and
- the Assistant Directors (2), Head of Corporate Services and any other Officer whom the Chief Executive determines should be a member of the Senior Leadership Team.

## **5.2 Procedures for Meetings**

- 5.2.1 Code of Practice on Openness
- 5.2.2 Open Board Meetings
- 5.2.3 Conduct of Meetings
- 5.2.4 Calling of Meetings
- 5.2.5 Setting the Agenda
- 5.2.6 Petitions
- 5.2.7 Notice of Meetings
- 5.2.8 Notice of Motion
- 5.2.9 Deputations and Speaking Rights
- 5.2.10 Admission of the Public and media
- 5.2.11 Attendance of others
- 5.2.12 Chair of Meeting
- 5.2.13 Quorum
- 5.2.14 Record of attendance
- 5.2.15 Confidential Section of meetings
- 5.2.16 Motions
- 5.2.17 Voting
- 5.2.18 Joint Members
- 5.2.19 Suspension of Standing Orders
- 5.2.20 Minutes
- 5.2.21 Committee Minutes
- 5.2.22 Variation and Amendment of Standing Orders
- 5.2.23 Appointments
- 5.2.24 Potential Conflict of Interests

### **5.2.1 Code of Practice on Openness**

The Code of Practice on Openness in the HPSS sets out the requirements for public access to information on the HPSS and for the conduct of Board meetings. The Children’s Court Guardian Agency for Northern Ireland is required to ensure appropriate compliance with the Freedom of Information Act (2000).

The Board shall pursue the aims of the Code of Practice on Openness: *“...to ensure that people may easily obtain an understanding of all services that are provided by the HPSS and, particularly, changes to those services that may affect them or their families”*.

The Board shall accept the strong duty imposed on it by the Code to be positive in providing access to information; the presumption shall be in favour of openness and transparency in all its proceedings.

### **5.2.2 Open Board Meetings**

The Children’s Court Guardian Agency for Northern Ireland shall hold all its Board meetings in public; although, certain issues may be taken in a confidential section of the meeting (See Standing Order 5.2.15). Dates of forthcoming Board meetings shall be posted on the Children’s Court Guardian Agency for Northern Ireland website. Members of the public who wish to attend and have sight of papers in advance of the meeting can contact the Board secretariat.

Public meetings shall be held in easily accessible venues and at times when the public are able to attend (Code of Practice on Openness; Appendix A, para 3.1).

### **5.2.3 Conduct of Meetings**

Proceedings shall be in accordance with section 54 (1) and (2) of the Health and Social Services Act (Northern Ireland) 2001 which provides that sections 23 to 27 of the Local Government Act (Northern Ireland) 1972 (c9) shall also apply. This is specified in the Guidance on Implementation of the Code of Practice on Openness, Annex A para 2.3.

The Code of Practice on Openness is not statutory, it does not set aside restrictions on disclosure, which are based in law and decisions shall rest on judgement and discretion. (See Guidance on implementation of the Code of Practice on Openness, para 9.3).



#### **5.2.4 Calling of Meetings**

Ordinary meetings of the Board shall be held at such times and places as the Board may determine. The Board shall pay particular attention to the commitments within its Equality Scheme when calling meetings.

The Chair may call a meeting of the Board for a special purpose including in the event of an emergency, at any time.

The notice for such a meeting shall be conveyed to members and posted on the Children's Court Guardian Agency for Northern Ireland website, as the circumstances shall allow.

If requested by at least one third of the whole number of members, the Chair shall call a meeting of the Board for a special purpose. If the Chair refuses to call a meeting or fails to do so within seven days after such a request, such one third or more members may forthwith call a meeting.

The Board shall agree an annual schedule of public meetings which shall be posted on the Children's Court Guardian Agency for Northern Ireland website.

#### **5.2.5 Setting the Agenda**

The Board may determine or may be directed to ensure that certain matters shall appear on every agenda for a meeting of the Board. If so determined these matters shall be listed as an appendix to the Standing Orders (Appendix 8).

A member desiring a matter to be included on an agenda shall normally make his/her request in writing to the Chair on at least 14 clear days before the meeting. The request may include appropriate supporting information and a proposed motion. It may also note any grounds which would necessitate the item of business being dealt with in a confidential section of the meeting. Requests made less than 14 days before a meeting may be included on the agenda at the discretion of the Chair.

The agenda and supporting papers shall be dispatched to members five working days in advance of the meeting, but shall certainly be dispatched no later than three working days beforehand, except in an emergency.

#### **5.2.6 Petitions**

Where the Board has received a petition, the Chair shall include the petition as an item on the agenda for the next Board meeting, providing it is appropriate for consideration by the Board. The Chair shall advise the meeting of any petitions that are not granted and the grounds for refusal.

### **5.2.7 Notice of Meetings**

Before each meeting of the Board, a notice of the meeting, specifying the business proposed to be transacted at it, and any motions relating to it, shall be issued electronically to Board Members and the Senior Leadership Team at least five working days in advance of the meeting, but shall certainly be dispatched no later than three working days before the meeting date, except in an emergency.

Absence of service of the notice on any member shall not affect the validity of a meeting. Failure to serve such a notice on more than three members shall invalidate the meeting. A notice shall be presumed to have been served one day after posting.

In the case of a meeting called by members in default of the Chair, those members shall sign the notice and no business shall be transacted at the meeting other than that specified in the notice.

### **5.2.8 Notices of Motion**

With reference to matters included in the notice of meetings, a member of the Board may amend or propose a motion in writing at least ten clear days before the meeting to the Chair. All notices so received shall be inserted in the agenda for the meeting, subject to the notice being permissible under the appropriate regulations. This paragraph shall not prevent any motion being moved during the meeting, without notice, on any business mentioned on the agenda.

### **5.2.9 Deputations and Speaking Rights**

Deputations from any meeting, association, public body or an individual may be permitted to address a public meeting of the Board provided the request to address the Board relates to an agenda item under discussion at the Board meeting as outlined in Appendix 9. A summary of the subject matter must be provided to the Board at least two clear days prior to the meeting, provided that the Chair of the Board has approved the request. The specified notice may be waived at the discretion of the Chair.

In normal circumstances, this facility shall be confined to the making of a short statement or presentation from the members of the deputation and making a copy of the presentation available in advance of the meeting. Each deputation has a total of ten minutes to address the Board and where two members of a deputation will deliver the address, each shall be allocated five minutes.

When an adjourned item of business is re-commenced or a meeting is reconvened, any provisions for deputations or speaking rights, not previously undertaken or other arrangements shall be treated as though no interruption had occurred. (Standing Order 5.2.16)

#### **5.2.10 Admission of the Public and Media**

The Board shall undertake the necessary arrangements in order to encourage and facilitate the public at open Board meetings. Reasonable facilities shall be made available to enable representatives of the press and broadcasting media to report the meetings. (See attached *Guidance for the Public attending Children’s Court Guardian Agency for Northern Ireland Board Meetings*).

The Chair shall give such directions as he thinks fit in regard to the arrangements for meetings and accommodation of the public and representatives of the press and broadcasting media, with due regard to the health and safety of all, to ensure that the Board’s business shall be conducted without interruption and disruption and, without prejudice to the power to exclude on grounds of the confidential nature of the business to be transacted, the public shall be required to withdraw upon the Board resolving as follows:

*“That in the interests of public order the meeting adjourns for (the period to be specified) to enable the Board to complete business without the presence of the public.”*

In order to avoid undue disruption to Board meetings, television crews/press photographers can have access for filming pictures for a maximum of ten minutes at the outset of the meeting. This will be subject to the agreement of the Chair and members.

Nothing in these Standing Orders shall require the Board to allow members of the public or representatives of the press and broadcasting media to record proceedings in any manner whatsoever, other than in writing, or to make an oral report of proceedings as they take place from within the meeting, without prior agreement of the Chair.

#### **5.2.11 Attendance of Others**

The Assistant Directors and Head of Corporate Services may attend and participate in meetings of the Board of the *Children’s Court Guardian Agency for Northern Ireland*. Officers from the Business Support Organisation (BSO) may attend and participate in meetings of the Board as required.

#### **5.2.12 Chair of Meeting**

At any meeting of the Board, the Chair, if present, shall preside. In the absence of the Chair, a Vice Chair shall preside. The nominated Vice Chair in the first instance will be the Chair of

the Audit and Risk Committee. If neither the Chair of the Board nor Chair of the Audit and Risk Committee are available, such Non-Executive Directors present shall choose one from their number to preside as Vice Chair.

If the Chair is absent temporarily on the grounds of a declared conflict of interest the Vice Chair shall preside.

#### 5.2.13 Quorum

No decisions may be taken at a meeting unless two members are present, this can include the chairman or appointed vice chairman.

**An officer in attendance for the Chief Executive, but without formal acting up status, may not count towards the quorum.** If the Chair or member has been disqualified from participating in the discussion on any matter and/or from voting on any resolution by reason of the declaration of a conflict of interest, he/she shall no longer count towards the quorum. If a quorum is then not available for the passing of a resolution on any matter, that matter may be discussed further but not voted upon at that meeting. Such a position shall be recorded in the minutes of the meeting.

#### 5.2.14 Record of Attendance

A record of the names of the Chair and members present at the meeting shall be noted in the minutes and, if necessary, the point at which they join, leave or resume their place at the meeting shall also be noted.

#### 5.2.15 Confidential Section of Meetings

The Board may by resolution exclude the public or representatives of the press or broadcasting media from a meeting (whether during the whole or part of the proceedings at the meeting) on one or more of the following grounds:

- By reason of the confidential nature of the business to be transacted at the meeting.
- When publicity would be prejudicial to the public interest.
- For such special reasons as may be specified in the resolution arising from the exceptional nature of the business to be transacted or of the proceedings at the meeting.
- It shall be noted, and recorded in the minutes of the subsequent public Board Meeting that the Children's Court Guardian Agency for Northern Ireland met in confidential session

### 5.2.16 Motions

The mover of a motion shall have a right of reply at the close of any discussion on the motion or any amendment thereto.

When a motion is under discussion or immediately prior to discussion, it shall be open to a member to move:

- An amendment to the motion
- The adjournment of the discussion or the meeting
- That the meeting proceed to the next business (+)
- The appointment of an ad hoc Committee to deal with a specific item of business
- That the motion be now put (+)
- A motion resolving to exclude the public (including the press).

In the case of sub-paragraphs denoted by (+) above, to ensure objectivity, only a member who has not previously taken part in the debate may put motions.

No amendment to the motion shall be admitted if, in the opinion of the Chair of the meeting, the amendment negates the substance of the motion.

When an adjourned item of business is re-commenced or a meeting is reconvened, any provisions for deputations or speaking rights, not previously undertaken or other arrangements shall be treated as though no interruption had occurred.

**Withdrawal of Motion or Amendments** - The proposer may withdraw a motion or amendment once moved and seconded with the concurrence of the seconder and the consent of the Chair.

**Motion to Rescind a Resolution** - Notice of motion to amend or rescind any resolution (or the general substance of any resolution) that has been passed within the preceding six calendar months, shall bear the signature of the Member who gives it and also the signature of four other Board Members.

When any such motion has been disposed of by the Board, it shall not be appropriate for any member other than the Chair to propose a motion to the same effect within six months, however the Chair may do so if he considers it appropriate.

**Chair's Ruling** - Statements of members made at meetings of the Board shall be relevant to the matter under discussion at the material time and the decision of the Chair of the meeting on questions of order, relevancy, regularity and any other matters shall be final.

#### **5.2.17 Voting**

Every item or question at a meeting shall be determined by the Chair seeking the general assent of voting members or the expression of a wish to proceed to a vote. A vote shall be determined by the majority of the votes of the Chair (Vice-Chair) of the meeting and members present and voting on the question; in the case of the number of votes for and against a motion being equal, the Chair of the meeting shall have a second or casting vote.

All questions put to the vote shall, at the discretion of the Chair of the meeting, be determined by oral expression or by a show of hands. A paper ballot may also be used if a majority of the members present so request.

If at least one third of the members present so request, the voting (other than by paper ballot) on any question may be recorded to show how each member present voted or abstained.

If a member so requests, his/her vote shall be recorded by name upon any vote (other than by paper ballot).

In no circumstances may an absent member vote by proxy. Absence is defined as being absent at the time of the vote.

An Officer who has been appointed formally by the Board to act up for an Officer Member during a period of incapacity or temporarily to fill an Officer Member vacancy, shall be entitled to exercise the voting rights of the Officer Member. An officer attending the Board to represent an Officer Member during a period of incapacity or temporary absence without formal acting up status may not exercise the voting rights of the Officer Member. An officer's status when attending a meeting shall be recorded in the minutes.

#### **5.2.18 Joint Members**

Where more than one person shares the office of a member of the Board jointly:

- either or both of those persons may attend or take part in meetings of the Board;
- if both are present at a meeting they shall cast one vote if they agree;
- in the case of disagreement no vote shall be cast;
- the presence of one or both of those persons shall count as the presence of one person for the purposes of a quorum.

#### **5.2.19 Suspension of Standing Orders**

Except where this would contravene any statutory provision or any direction made by the Department of Health, one or more of the Standing Orders may be suspended at any meeting, provided that at least two-thirds of the Board are present, including one Officer and one Non-Officer Member, and that a majority of those present vote in favour of suspension.

A decision to suspend Standing Orders shall be recorded in the minutes of the meeting.

A separate record of matters discussed during the suspension of Standing Orders shall be made and shall be available to the Chair and members of the Board.

No formal business may be transacted while Standing Orders are suspended.

The Audit and risk committee shall review every decision to suspend Standing Orders.

#### 5.2.20 Minutes

The minutes of the proceedings of a meeting shall be drawn up and submitted for agreement at the next ensuing meeting where the person presiding shall sign them.

No discussion shall take place upon the minutes except upon their accuracy or where the Chair considers discussion appropriate. Any amendment to the minutes shall be agreed and recorded at the next meeting.

Minutes shall be circulated in accordance with members' wishes. A copy of the approved minutes of a public Board meeting shall be placed on the Agency website. Where providing a record of a public meeting, the minutes shall be made available to the public upon request as required by Code of Practice on Openness in the NHS and the Freedom of Information Act 2000.

#### 5.2.21 Committee Minutes

The minutes of all Board Committee meetings shall be approved/circulated as follows:

- Minutes from the Board Committees shall be approved by the Chair of the Committee; the draft minute shall, as approved by the Committee Chair, be circulated to Board Members for their information and update on Committee business.
- Each Board meeting shall have as a standing item '**Board Committee Meetings since Last Board Meeting**'. Committee Chairs shall update the Board meeting on business covered at the meeting of their Committee and take questions as appropriate.

#### 5.2.22 Variation and Amendment of Standing Orders

These Standing Orders shall be amended only if:

- a notice of motion under the appropriate Standing Order has been given;
- no fewer than half the total of the Board's Non-Officer Members vote in favour of amendment;
- at least two-thirds of the Board members are present; or
- the variation proposed does not contravene a statutory provision or direction made by the Department of Health, Social Services and Public Safety.

### 5.2.23 Appointments

#### **Appointment of the Chair and Members, and Terms of Office -**

The legislation for establishing a Board for the Agency is contained within the CHILDREN'S COURT GUARDIAN AGENCY FOR NORTHERN IRELAND (ESTABLISHMENT AND CONSTITUTION) ORDER (NORTHERN IRELAND) 2023.

Non-Executive appointments are made in accordance with the Code of Practice, issued by the Commissioner for Public Appointments for Northern Ireland.

**Appointment of Vice-Chair** - Subject to the following, the Chair and Members of the Board may appoint one of their number, who is not also an Officer Member of the Board, to be Vice-Chair, for such period, not exceeding the remainder of his/her term as a Member of the Board, as they may specify on appointing him/her.

Any member so appointed may at any time resign from the office of Vice-Chair by giving notice in writing to the Chair. The Chair and members may thereupon appoint another member as Vice-Chair in accordance with the provisions above.

If no Vice-Chair is available and the Chair is unable to conduct a Board meeting, members shall appoint one from among the Non-Executive Directors present to act as Chair for that meeting.

If no meeting is scheduled or the Chair is not available, and the Chief Executive needs to take advice on an urgent matter, the Chief Executive may obtain the agreement of Non-Executive Directors to appoint one of their number as Chair for this purpose.

Where the Chair of the Board has died or has ceased to hold office, or where he/she has been unable to perform his/her duties as Chair owing to illness, absence from Northern Ireland or any other cause, the Vice-Chair, if previously appointed, shall act as Chair until a new Chair is appointed or the existing Chair resumes his/her duties, as the case may be. If not previously appointed, the Board may appoint one of their number, who is not also an Officer Member of the Board, to be Chair, for such period.



**Joint Members** - Where more than one person is appointed jointly to a post in the Board which qualifies the holder for officer membership or in relation to which an officer member is to be appointed, those persons shall become appointed as an officer member jointly, and shall count for the purpose of Standing Orders as one person.

#### 5.2.24 Potential Conflict of Interests

Subject to the following provisions of this Standing Order, if the Chair or Board member has any potential conflict of interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting of the Board at which the contract or other matter is the subject of consideration, he/she shall, at the meeting, and as soon as practicable after its commencement, disclose the fact.

It shall be disclosed in a manner that cannot be perceived to influence subsequent discussion or decision, and shall withdraw from the meeting while the consideration or discussion of the contract or other matter and the vote is being taken.

In **exceptional circumstances**, the individual who has declared a potential conflict of interest may be permitted to remain for the discussion where their expertise is specifically required to inform the other members in their discussions. This expert advice shall be restricted to the giving of factual and objective information before withdrawing while the decision and vote is taken.

The Department of Health may, subject to such conditions as it may think fit to impose, remove any disability imposed by this Standing Order in any case in which it appears to be in the interests of the HSC that the disability shall be removed.

The Board may exclude the Chair or a Board member from a meeting of the Board while any contract, proposed contract or other matter in which he/she has a pecuniary interest, is under consideration.

Any remuneration, compensation or allowances payable to the Chair or a Board member shall not be treated as a pecuniary interest for the purpose of this Standing Order.

For the purpose of this Standing Order, the Chair or a Board member shall be treated as having indirectly a pecuniary interest in a contract, proposed contract or other matter, if:

- he/she, or a nominee of his/hers, is a director of a company or other body, not being a public body, with which the contract was made or is proposed to be made or which has a direct pecuniary interest in any other matter under consideration; or
- he/she is a partner of, or is in the employment of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in any

other matter under consideration; and in the case of persons living together the interest of one partner shall, if known to the other, be deemed for the purposes of this Standing Order to be also an interest of the other.

The Chair or a Board member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only:

- of his/her membership of a company or other body, if he/she has no beneficial interest in any securities of that company or other body;
- of an interest of his/her as a person providing Family Health Services which cannot reasonably be regarded as an interest more substantial than that of others providing such of those services as he/she provides; or
- of an interest in any company, body or person with which he/she is connected as mentioned in Standing Orders above which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of or in voting on, any question with respect to that contract or matter.

Where the Chair or a Board Member has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the total nominal value of those securities does not exceed £5,000 or one-hundredth of the total nominal value of the issued share capital of the company body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he/she has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class, this Standing Order shall not prohibit him/her from taking part in the consideration or discussion of the contract or other matter or from voting on any question with respect to it, without prejudice however to his/her duty to disclose his/her interest.

This Standing Order applies to a Committee or Sub-Committee and to a Joint Committee or Sub-Committee as it applies to the Board and applies to a member of any such Committee or Sub-Committee (whether or not he/she is also a member of the Board) as it applies to a member of the Board.

# 6. CODE OF CONDUCT AND CODE OF ACCOUNTABILITY

Health and Social Care organisations should ensure continuity in the application of the Code of Conduct and Code of Accountability both within the Health and Social Care organisation and across all other provider organisations, including those which are accountable to the Health and Social Care Board.

## 6.1 Introduction

## 6.2 Code of Conduct

### 6.2.1 Public Service Values

### 6.2.2 General Principles

### 6.2.3 Public Service Values in Management

### 6.2.4 Public Business and Private Gain

### 6.2.5 Counter Fraud Policy

### 6.2.6 Hospitality and Other Expenditure

### 6.2.7 Gifts

### 6.2.8 Sponsorship

### 6.2.9 Register of Hospitality, Gifts and Sponsorship

## 6.3 Code of Accountability

### 6.3.1 Declaration of Interests

### 6.3.2 Register of Interests

### 6.3.3 Employee Relations

### 6.3.4 Personal Liability of Board Members

## 6.4 Staff Policies and Procedures

### 6.4.1 Substance Abuse

### 6.4.2 Misuse of Internet Facilities

### 6.4.3 Raising Concerns at Work –“Whistleblowing”

## 6.1 Introduction

The Code of Conduct and Code of Accountability for Board Members (2011) provides the basis on which HSC bodies should seek to fulfil the duties and responsibilities conferred upon them by the Department of Health, Social Services and Public Safety.

These Codes replace the previous guidance “corporate Governance in the Health and Personal Social Services – Code of Conduct and Code of Accountability (2005)”.

## 6.2 Code of Conduct

All Board Members must subscribe to the Code and will be judged upon the way the Code is observed.

Board Members should satisfy themselves that the actions of the Board and its Members in conducting Board business fully reflect the values in the Code of Conduct.

### 6.2.1 Public Service Values

Public service values must be at the heart of Health and Social Care services in Northern Ireland. High standards of corporate and personal conduct, based on a recognition that patients and clients come first, have been a requirement throughout the Health and Social Care since its inception. There are four crucial public service values, which must underpin the work of the Health and Social Care organisations:

- Accountability
- Probity
- Integrity
- Openness

These values are the responsibility of the Chair, Board members and all staff.

In addition to the above principles, the First Report of the Committee on Standards in Public Life (Nolan) emphasized a code of best practice, which shall be incorporated into each public body’s codes of conduct. These are:

- **Selflessness** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- **Integrity** Holders of public office should not place themselves under any financial or other obligation to outside individuals or

organisations that might seek to influence them in the performance of their official duties.

- **Objectivity** In carrying out public business, including making public appointments, award contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **Accountability** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- **Honesty** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership** Holders of public office should promote and support these principles by leadership and example.

The Children's Court Guardian Agency for Northern Ireland is committed to these principles and all individuals are expected to adhere to them in the course of their work.

### 6.2.2 General Principles

Those who work in the Health and Social Care have a duty to:

- conduct business with probity;
- respond impartially and with respect to patients, clients, carers, staff, and suppliers;
- achieve value for money from public funds with which they are entrusted; and
- demonstrate high ethical standards of personal conduct.

The Chair, Board members and all Children's Court Guardian Agency for Northern Ireland Agency employees/officers and self-employed contracted members are required to accept the provisions of the 'HPSS Code of Conduct and Code of Accountability' on appointment and to follow the principles set out therein.

The Board must set a rigorous and visible example and shall be responsible for corporate standards of conduct and ensure acceptance and application of the Code. The Code shall inform and govern the decisions and personal conduct of the Chair, Board Members and all Children's Court Guardian Agency for Northern Ireland employees/officers/self-employed contractors.

### **6.2.3 Public Service Values in Management**

It is a long-established principle that public sector bodies must be impartial, honest and open in the conduct of their business, and that their employees shall remain beyond suspicion. It is also an offence under the Public Bodies Corrupt Practices Act 1889 and Prevention of Corruption Acts 1906 and 1916 for an employee to accept any inducement or reward for doing, or refraining from doing anything, in his or her official capacity, or corruptly showing favour or disfavour, in the handling of contracts.

Public service values must be at the heart of Health and Social Care and that the service is accountable to the Minister of Health and ultimately to Northern Ireland Assembly and the Public Accounts Committee, for the services they provide and for the effective and economical use of taxpayers' money.

It is unacceptable for the Board of any Health and Social Care organisation, or any individual within the organisation for which the Board is responsible, to ignore public service values in achieving results. The Chair, Board members and all staff have a duty to ensure that public funds are properly safeguarded and that, at all times, the Board conducts its business as efficiently and effectively as possible. Proper stewardship of public monies requires value for money to be high on the agenda of the Board at all times. Employment, procurement and accounting practices within the Children's Court Guardian Agency for Northern Ireland must reflect the highest professional standards.

Annual and all other key reports shall be issued in good time to all individuals and groups in the community who have a legitimate interest in HSC issues.

### **6.2.4 Public Business and Private Gain**

The Chair, Board members and all staff shall act impartially and shall not be influenced by social, political or business relationships. They should not use information gained in the course of their public position for personal gain or for political purpose nor seek to use the opportunity of public service to promote private interests or those of connected persons, firms, businesses or other organisations.

Where there is a potential for private, voluntary or charitable interests to be material and relevant to Board or HSC business, the relevant interest shall be declared and recorded in

the Board minutes and entered into a register, which is available to the public. This is set out in more detail in Standing Order 6.3.1.

When a conflict of interest is established or perceived, the Chair, Board member or member of staff shall withdraw and take no part in the relevant discussion or decision.

### **6.2.5 Counter Fraud Policy**

The Children's Court Guardian Agency is absolutely committed to maintaining an honest, open and well-intentioned atmosphere. It is therefore also committed to the elimination of any fraud within or against the Children's Court Guardian Agency for Northern Ireland, and to the rigorous investigation of any such cases.

Circular HSC (F) 15/2023 provides detailed guidance on the revised procedures to be followed for reporting of fraud within the Health and Social Care to Counter Fraud & Probity Services. From 1<sup>st</sup> April 2023, it is mandatory for all HSC bodies to report all incidents of suspected or actual fraud to Counter Fraud Services, Business Services Organisation.

The Children's Court Guardian Agency for Northern Ireland wishes to encourage anyone with reasonable suspicions of fraud to report them. The Children's Court Guardian Agency for Northern Ireland 'Whistleblowing Policy' enables staff to raise concerns about issues of public interest either internally or externally at an early stage (Standing Order 6.4.3).

The Children's Court Guardian Agency for Northern Ireland has in place a Fraud Policy and Fraud Response Plan to give officers specific direction in dealing with cases of suspected fraud, theft or corruption. Advice may also be obtained from the Fraud Manager (Head of Corporate Services) and from the HSC Counter Fraud Services.

### **6.2.6 Hospitality and Other Expenditure**

The use of public funds for hospitality and entertainment, including hospitality at conference or seminars, shall be carefully considered within the guidelines contained in DHSSPS Circular HSS(F) 49/2009.

All expenditure on these items should be capable of justification as reasonable in light of approved practice in the public sector.

See also Gifts and Hospitality Policy.

See also Standing Order 6.4.1 on Substance Abuse (includes alcohol, drugs, smoking)

### **6.2.7 Gifts**

Token gifts (generally at Christmas) of low intrinsic value such as diaries or calendars may be accepted from persons outside the Children's Court Guardian Agency for Northern Ireland with whom staff have regular contact. At present, a value of less than £50 is used as a guide to identifying gifts of low intrinsic value but the nature or number of gifts may mean that items whose value is less than this may be considered inappropriate. The number of gifts accepted shall be limited within any financial period. Apart from trivial/inexpensive seasonal gifts, such as diaries, no gift or hospitality of any kind from any source should be accepted by anyone involved in the procurement or monitoring of a contract. This will ensure that no criticism can be made regarding bias to a particular company or supplier.

More expensive or substantial items, valued at £50 or more and gifts of lottery tickets, cash, gift vouchers or gift cheques, cannot on any account be accepted. All gifts offered even if they are declined/returned need to be recorded in the register.

If in doubt, staff shall decline the gift or consult their line manager/ Director before accepting it.

See also Gifts and Hospitality Policy.

### **6.2.8 Sponsorship**

Commercial sponsorship may be acceptable on occasions. However, acceptance should never be capable of being perceived as having compromised the organisation's integrity.

Acceptance by staff of commercial sponsorship for attendance at relevant conferences and courses might be acceptable providing the employee seeks permission in advance and the Children's Court Guardian Agency for Northern Ireland can be absolutely satisfied that its decision-making processes are not compromised.

Board members must be satisfied that their acceptance of any commercial sponsorship could not compromise, or be perceived to compromise, future decisions.

Acceptance of commercial sponsorship of conferences, courses or other events run by the Children's Court Guardian Agency for Northern Ireland may only be accepted if it can be demonstrated that:

- promotional material of the sponsor does not unduly dominate the event;
- no particular product is being promoted or receiving an implicit endorsement by association with the Children's Court Guardian Agency for Northern Ireland; and
- other commercial bodies have been given an equal opportunity to sponsor and be associated with a particular event or other such events over a period of time.



Any decisions regarding sponsorship are to be referred to the Children’s Court Guardian Agency for Northern Ireland’s Senior Leadership Team in the case of Children’s Court Guardian Agency for Northern Ireland organized events. Decisions, together with all relevant information, shall be recorded in the minutes for future scrutiny.

A suitable contract shall be drawn up with the prospective sponsor, which sets out the requirements in line with this Standing Order.

#### **6.2.9 Register(s) of Hospitality, Gifts and Sponsorship**

All instances when hospitality, gifts (of less than £50 in value) and sponsorship are accepted or returned shall be notified to the Chief Executive’s Office, with a record of the basis of the decision to accept or return. Register(s) shall be maintained and monitored by the HR and Communication Officer within performance management arrangements set out in the Children’s Court Guardian Agency for Northern Ireland Gifts and Hospitality Policy and shall be made available for public inspection on request.

### **6.3 Code of Accountability**

Board Members share corporate responsibility for all decisions of the Board.

The Board of the Children’s Court Guardian Agency for Northern Ireland is required to meet regularly and to retain full and effective control of the organisation.

The Chair and Non-Executive Board Members are responsible for monitoring the executive management of the organisation and are responsible to the Department of Health for the discharge of these responsibilities.

Standing Order 5 includes the responsibilities of the Chair, Non-Executive Directors, Chief Executive and Senior Leadership Team as well as the key functions of the Board.

#### **6.3.1 Declaration of Interests**

The ‘**Code of Conduct and Code of Accountability**’ requires the Chair and members of the Children’s Court Guardian Agency for Northern Ireland to declare interests, which are relevant and material to the Children’s Court Guardian Agency for Northern Ireland. All existing managers or budget-holders within the Children’s Court Guardian Agency for Northern Ireland, having delegated responsibility to commit or influence commitment of Public Funds, shall declare such interests. Any managers appointed subsequently shall do so on appointment.

Interests that shall be regarded as ‘relevant and material’ are:

- directorships, including non-executive directorships held in private companies or Private Limited Companies (with the exception of those of dormant companies);
- ownership or part-ownership of private companies, businesses or consultancies likely or possibly seeking to do business with the Children’s Court Guardian Agency for Northern Ireland;
- majority or controlling share holdings in organisations likely or possibly seeking to do business with the Children’s Court Guardian Agency for Northern Ireland;
- a position of trust in a charity or voluntary organisation involved in the field of health and social care;
- any connection with a Health and Social Care organisation, voluntary organisation or other organisation contracting for health and social care services; and
- any other commercial interest in the decision before the meeting.

At the time Board members’ interests are declared, they shall be recorded in the Board minutes. Any changes in interests shall be declared at the Board meeting following the change occurring. A Register of Board Members Interests has been established and published on the Children’s Court Guardian Agency for Northern Ireland website. Registers of Interest should be established and maintained in respect of those Board Committees which include persons who are not members of the Children’s Court Guardian Agency for Northern Ireland.

The Board members’ interests are published on an annual basis in the Children’s Court Guardian Agency for Northern Ireland Annual Report and Annual Accounts. The information shall be kept up to date for inclusion in succeeding Annual Reports.

At the outset of a Board meeting, the Chair shall invite Members to declare an interest in any agenda item. If a conflict of interest is established, the Member concerned shall, as soon as he/she is able after its commencement, disclose the fact. It shall be disclosed in a manner that cannot be perceived to influence subsequent discussion or decision. The member shall withdraw from the meeting and play no part in the relevant discussion or decision. See Standing Order 5.2.24

### **6.3.2 Register of Interests**

The Chief Executive shall ensure that a Register of Interests is established to record formally declarations of interests of relevant members and officers of the Children’s Court Guardian Agency for Northern Ireland. In particular, the Register shall include details of all

directorships and other relevant and material interests, which have been declared by Executive and Non-Executive Directors, managers and budget-holders.

These details shall be kept up to date by means of an annual review of the Register in which any changes to interests declared during the preceding twelve months shall be incorporated.

The Register shall be available to the public and the Chief Executive shall take reasonable steps to bring the existence of the Register to the attention of the local population and to publicise arrangements for viewing it.

If Board members or relevant Officers have any doubt about the relevance of an interest, this shall be discussed with the Chair or Chief Executive as appropriate

The general principle to be adopted is that if there is uncertainty regarding the need to disclose a particular then, in the interests of openness, disclosure shall be made.

### **6.3.3 Employee Relations**

The Children's Court Guardian Agency for Northern Ireland must comply with legislation and guidance from the Department of Health (whether or not issued explicitly on behalf of the Minister), respect agreements entered into by themselves or on their behalf and establish terms and conditions of service that are fair to the staff and represent good value for taxpayers' money.

Appointments made to the Children's Court Guardian Agency for Northern Ireland shall be made on the basis of merit and should normally be by means of open competition.

All Board Members' remuneration shall be published in the Annual Report and Annual Accounts.

### **6.3.4 Personal Liability of Board Members**

Legal proceedings by a third party against individual Board Members are very exceptional. A Board Member may be personally liable if s/he makes a fraudulent or negligent statement which results in a loss to a third party; or may commit a breach of confidence under common law or a criminal offence under insider dealing legislation, if s/he misuses information gained through their position. However, the Department of Health has indicated that individual Board Members who have acted honestly, reasonably, in good faith and without negligence will not have to meet out of their own personal resources any personal civil liability which is incurred in execution or purported execution of their Board functions.

## **6.4 Staff Policies and Procedures**

The Children's Court Guardian Agency for Northern Ireland has a number of policies and procedures on a range of issues affecting staff and how they work within the Children's Court Guardian Agency for Northern Ireland. These can be accessed through the Children's Court Guardian Agency for Northern Ireland y intranet or directly from the Head of Corporate Services

The content of these policies has been consulted on with recognised staff side organisations and cover issues such as: complaints, health and safety, fire safety, security, equal opportunities, human rights and diversity, Governance, Human Resources and Information Governance.

#### **6.4.1 Substance Abuse**

The Children's Court Guardian Agency for Northern Ireland discourages any form of substance abuse by members of staff. Under the terms of individual contracts of employment, disciplinary action may be instituted if an employee is unable to perform the duties of his/her post as a result of any form of substance abuse or if the actions of an employee brings the Children's Court Guardian Agency for Northern Ireland into disrepute.

The Children's Court Guardian Agency for Northern Ireland has a 'Workplace Alcohol and Substance Abuse Policy'.

**Alcohol** - The Children's Court Guardian Agency for Northern Ireland only permits alcohol to be provided and paid for out of public funds on occasions such as:

- moderate quantities of alcohol with meals provided as part of approved hospitality for visitors or guests; and
- similarly for approved special functions in Children's Court Guardian Agency for Northern Ireland premises

Otherwise, alcohol may not be consumed in Children's Court Guardian Agency for Northern Ireland premises or any other location or venue attributed to the Children's Court Guardian Agency for Northern Ireland except when specific permission has been given by a Director or Senior Officer with appropriate authority, for staff to bring their own refreshments for a function (for example, at Christmas and other times of celebration).

Staff are expected to ensure that, if they consume alcohol, it shall not affect the performance of their duties.

**Drugs** - The Children's Court Guardian Agency for Northern Ireland expects staff to observe the law both during and outside working hours.

If medical opinion advises that the taking of prescription drugs may affect an individual's performance of their duties, they shall inform their line manager or a senior Human Resources officer in order that an acceptable management of the situation can be agreed.

Any use of recreational drugs, which affects the performance of an employee's duty or brings the Children's Court Guardian Agency for Northern Ireland into disrepute, shall be considered unacceptable behaviour.

**Smoking** - In meeting with the requirements of The Smoking (Northern Ireland) Order 2006, smoking is not permitted within Children's Court Guardian Agency for Northern Ireland accommodation, offices or buildings. The 'No Smoking Policy' refers.

#### **6.4.2 Misuse of Internet Facilities**

The Children's Court Guardian Agency for Northern Ireland officers, in the conduct of their work for the Agency, have access to the Internet for research and other work related activities. Officers are required to make application for access to the Internet and agree to comply with the Children's Court Guardian Agency for Northern Ireland's ICT Security Policy.

The 'Internet Policy' outlines the permissible use of services from the workplace or using The Children's Court Guardian Agency for Northern Ireland resources remotely.

Any breach of the policy may result in disciplinary action which may result in dismissal.

#### **6.4.3 Staff Raising Concerns at Work – "Whistleblowing"**

The Children's Court Guardian Agency for Northern Ireland is committed to developing an environment of openness and honesty which encourages staff to contribute views to all aspects of its activities. The purpose of the Children's Court Guardian Agency for Northern Ireland Whistleblowing Policy is to reassure staff that it is safe and acceptable to raise concerns about any malpractice at an early stage and in the right way.

If staff wish to make a complaint about their employment or how they have been treated, they may use the Children's Court Guardian Agency for Northern Ireland Grievance Procedure.

If staff wish to raise a concern about possible fraud, they can also refer to the Children's Court Guardian Agency for Northern Ireland Fraud Policy.

# 7. POWERS AND DUTIES

## 7.1 Accountability

### 7.2 Accountability Structures

#### 7.1 Accountability

The powers and duties of individuals within the Children’s Court Guardian Agency for Northern Ireland are generally set out in the relevant Job Descriptions and Contract of Employment. All individuals are expected to behave at all times in accordance with the Standing Orders.

Those individuals who comprise the Board, that is the Chair, Chief Executive and Non-Executive Directors, shall have regard to Standing Order 2, which sets out the main functions of the Board and those matters that are reserved to the Board.

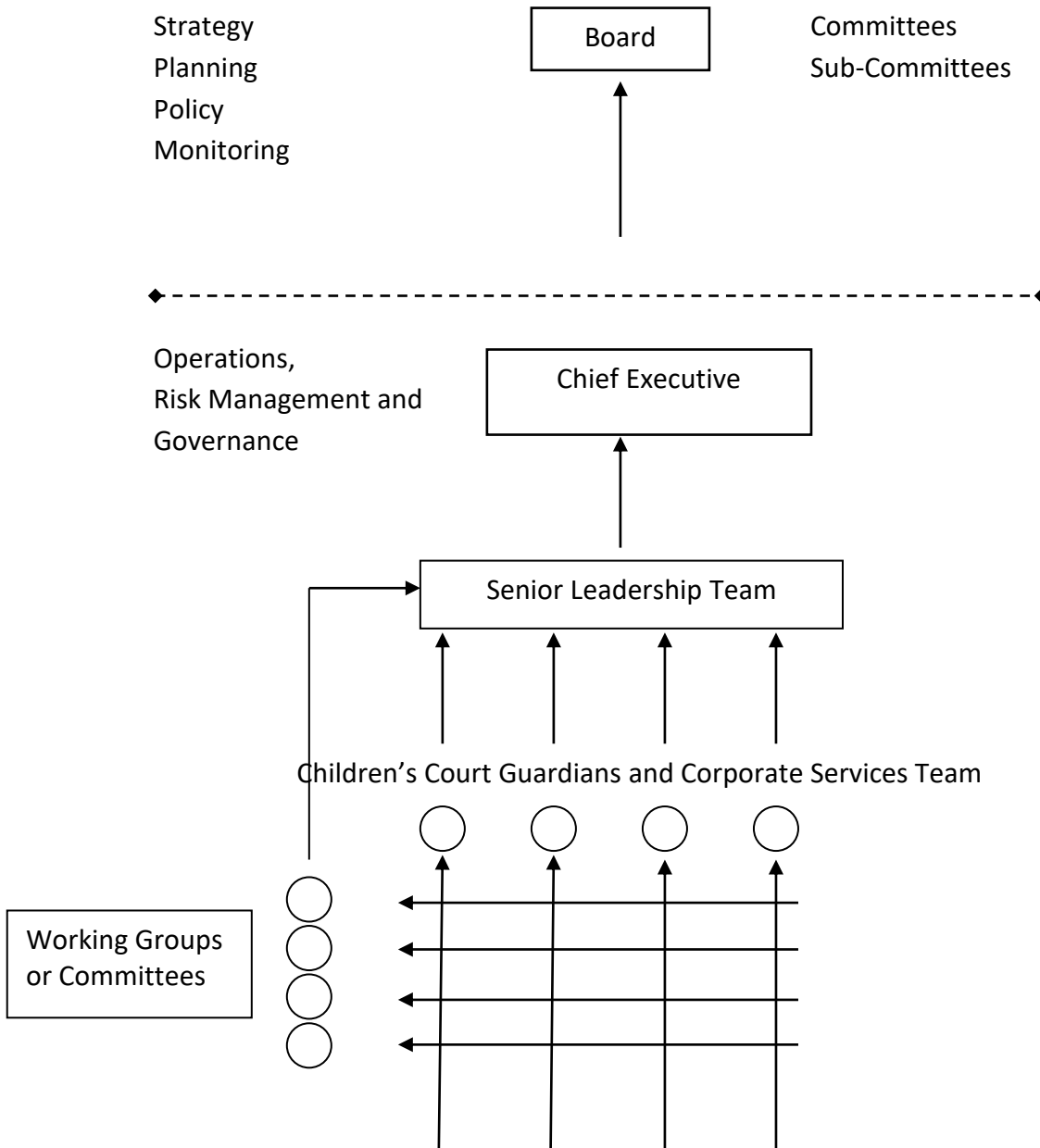
When acting in the capacity of a member of a Board Committee, those individuals shall have regard to the appropriate Scheme of Delegation which sets out those matters which have been delegated by the Board.

The Chief Executive, Senior Managers and other staff, shall pay regard to any appropriate Scheme of Delegation either by the Board or by the Chief Executive. This may delegate responsibility to the individual in a personal capacity or as a member of a working group or committee.

Individuals are accountable through their professional or directorate management structure as well as through any participation on a working group, committee or functional role. This accountability is to the Chief Executive through the Senior Leadership Team as illustrated in the following diagram.

## 7.2 Accountability Structures

### \*Accountability Structures



# APPENDICES

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**CHIEF EXECUTIVE’S SCHEME OF DELEGATION**

This appendix refers to Section 3.3 of the Standing Orders

ITEMS	RESPONSIBILITY	CONTROLS	DELEGATED TO
<b>3.3.1</b> Corporate Governance and Operational Matters	Matters which impact on the corporate operational performance of the Children’s Court Guardian Agency for Northern Ireland	Timely submission required from appropriate lead Director or joint submission	Senior Leadership Team
<b>3.3.1</b> Governance Framework	Ensure Board-wide implementation and compliance with the Governance Framework	To be reported through the Risk Management and Audit Committee to the Board	Head of Corporate Services
<b>3.3.1</b> Policy Approval Process to comply with policy	New policy proposals requiring approval in accordance with the policy	Policies relating to internal management arrangements to be submitted to SLT for approval. All other policies have approval reserved to the Board.	Senior Leadership Team
<b>3.3.2</b> Corporate Plan	An accessible statement of Children’s Court Guardian Agency for Northern Ireland’s purpose, values and goals and key actions to be undertaken by Children’s Court Guardian Agency for Northern Ireland to deliver	To be prepared annually in line with DoH Priorities for Action	Senior Leadership Team
<b>3.3.2</b> Planning and Monitoring Of Service Delivery Proposals	Proposed matters which involve the planning and monitoring of service delivery including in	Timely submission required from appropriate lead	Senior Leadership Team

	year management of resources	Director or joint submission	
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ITEMS	RESPONSIBILITY	CONTROLS	DELEGATED TO
3.3.3 Lead and Manage Individual Groups	The operational management of individual Groups including leadership and development	Responsive to corporate needs	Individual Directors/Managers
3.3.4 Financial Performance of Children’s Court Guardian Agency for Northern Ireland	Monitoring of Organisational performance to achieve overall corporate targets set by the Department of Health	Monthly reporting by Head of Corporate Services to achieve overall targets	Head of Corporate Services
3.3.5 Procurement Performance of Children’s Court Guardian Agency for Northern Ireland	Monitoring of Organisational performance to achieve overall corporate procurement targets set by the Department of Health	Monthly reporting by Head of Corporate Services to achieve overall targets	Head of Corporate Services
3.3.6 Audit Performance of Agency	Monitoring of Organisational performance to achieve overall corporate targets set by the Department of Health	To be reported through the Risk Management and Audit and risk committee to the Board	Head of Corporate Services

## ADMINISTRATIVE SCHEMES OF DELEGATION

This appendix refers to Sections 3.4 – 3.4.9 of the Standing Orders

### 3.4.1 Delegation of Budgets for Administration

ITEMS	RESPONSIBILITY	CONTROLS	DELEGATED TO
<p>Authorisation and Approval of Non-Pay Expenditure for Administration</p>	<p>The authorisation and approval of non-pay expenditure for Board administration.</p> <p>Chief Executive further delegates these powers to Directors or nominated Officers within the budgets provided to them and the limits set out below.</p> <p>In turn, they may delegate them to named officers.</p>	<p>Within Limits set out below.</p> <p>The Head of Corporate Services will bring forward annual budgets within which each Director must manage their annual expenditure.</p>	<p>Chief Executive, Directors or nominated Budget Holders</p>

**ADMINISTRATIVE SCHEMES OF DELEGATION**

**3.4.1 Procedure for Delegating Power to Authorise and Approve Non- Pay Expenditure For Administration**

**Authority to initiate expenditure and approve payments**

Authority to initiate expenditure and to approve the payment of invoices is delegated to the Chief Executive who delegates it to Directors or nominated Officers. They in turn may delegate these powers to named officers under their supervision. Delegated limits for expenditure and approval have been set out by the DoH in Circular Reference HSC(F) 23-2023.

Each Senior Manager is nominated with an agreed payment threshold and the Head of Corporate Services will compile the comprehensive list. The list (including specimen signatures) will be copied to the Business Services Organisation. A copy shall be retained in the administration office for reference. The list shall be amended as necessary and reviewed at least annually; a revised version will be distributed.

Expenditure in each specified category is only permitted within the budget provided for it.

The nominated officers shall observe the limits delegated to them on the list (see above), which shall not be exceeded without express approval of the Chief Executive. They must also note their responsibilities in authorising expenditure to be incurred by the The Children’s Court Guardian Agency .

**Routine Expenditure**

**Definition:**

This is expenditure on goods and services for which a budget is provided and which is usually initiated by requisition and repeated periodically. Examples would include office supplies and consumables together with the maintenance of equipment and other establishment costs.

**Expenditure Limits:**

None. Within budgets.

Relates to Section 3.4 of STANDING ORDERS	
ADMINISTRATIVE SCHEMES OF DELEGATION	
3.4.2 Procedure for Delegating Power to Authorise and Approve Non- Pay Expenditure For Administration	
	<p><b>Non Routine Expenditure</b></p> <p><b>Definition:</b> This is expenditure which occurs on a once-only or occasional basis for which a budget may be provided. It may include books, periodicals, courses, travel, and equipment costing less than £5,000.</p> <p><b>Expenditure limits:</b> As provided by the Scheme of Delegation within the budget or approved funding.</p> <p><b>No Budget or Approved Funding:</b> If no budget or specifically approved funding exists for any such proposed expenditure, a Director or nominated Officer is to consult the Head of Corporate Services to identify a possible source of funds. A submission may then be prepared for the Senior Leadership Team seeking the authorisation of the Chief Executive for the proposed expenditure and its funding.</p> <p><b>Specific Items:</b> Individual procedures applies to the:</p> <ul style="list-style-type: none"> <li>- Use of External Consultants</li> <li>- ICT Expenditure</li> </ul> <p>Please refer to the following sections for further information.</p> <p><b>Capital Expenditure</b></p> <p><b>Definition:</b> Capital expenditure is defined in the HSC Capital Accounting Manual. The essential elements are that there is an asset capable of use for more than one year and that the expenditure exceeds £5,000.</p> <p><b>Expenditure Limits:</b> As provided by the Scheme of Delegation within the budget or approved funding.</p>

<b>Relates to Section 3.4 of STANDING ORDERS</b>	
<b>ADMINISTRATIVE SCHEMES OF DELEGATION</b>	
<b>3.4.2 Authorisation and Approval of PAYROLL Expenditure for administration</b>	
	<p><b>Authority to Initiate and Approve Payroll Expenditure</b></p> <p>The power to authorise payroll expenditure is delegated to the Chief Executive as determined by the framework approved by the Remuneration and Terms of Service Committee on behalf of the Board.</p> <p>The power to appoint a member of staff is delegated to members of the relevant interview panel provided that approval has been obtained from the Chief Executive to initiate the recruitment process.</p> <p>This applies to new posts or replacement staff for both permanent and temporary appointments.</p> <p>Additional payroll costs such as overtime payments are delegated to Directors and nominated Officers to authorise, providing they remain within the total funds for the individual budget concerned.</p> <p>The processing of all supporting services will be outsourced to the Business Services Organisation, managed through a Service Level Agreement mechanism.</p>

<p><b>Relates to Section 3.4 of STANDING ORDERS</b></p>	
<p><b>ADMINISTRATIVE SCHEMES OF DELEGATION</b>  <b>3.4.2 Authorisation and Approval of Non-Pay Expenditure</b>  <b>For Administration</b></p>	
	<p><b>FINANCIAL LIMITS</b></p>
	<p>The responsibility for the authorisation and approval of non-pay expenditure for administration is delegated to the Chief Executive. The Chief Executive further delegates these powers to Directors and nominated Officers within the budgets provided to them and the limits set out below. In turn, they may delegate them to named officers.</p>
	<p><b>Routine Revenue Expenditure:</b></p>
Not required	<p>Within budget limits  <b><u>Non-Routine Revenue Expenditure: (excluding ICT and Use of External Management Consultants (Standing Order 3.4.4))</u></b></p>
Limits may be varied	<p>Within budget or ear-marked funds: please refer to the current Scheme of Delegated Authority for full details of all authorised limits  <b>No budget or ear-marked funds:</b>                  Submission to Senior Leadership Team</p>
Up to £10,000	<p><b>Use of External Management Consultants (Standing Order 3.4.4)</b>  <b>Authorisation of proposed use:</b>                  Chief Executive and notify Sponsoring Unit at the DoH in advance.</p>
£10,000 and above	<p>Chief Executive plus authorisation of the Minister (DoH) in advance. Please note that where a Direct Award Action is proposed for an External Consultancy project, the Permanent Secretary's advance approval must also be secured. This applies to all levels of expenditure.</p>



<p>Any amount</p>	<p><b>Approval to pay:</b></p> <p>As per Scheme of Delegated Authority for Non Purchase Order administration costs.</p>	
<p>Within projected financial limit</p> <p>&lt;£10,000</p> <p>&gt; £10,000</p>	<p><b>Capital Expenditure</b></p> <ul style="list-style-type: none"> <li>• ICT Strategy by Board</li> <li>• Support to Agency proposed Capital Investment at Strategic Outline stage.</li> <li>• DoH delegated Capital Expenditure limit £10,000</li> <li>• Chief Executive/Board (Department of Health approval required for ICT Business Cases &gt;£10,000)</li> <li>• Department of Health approval required for ICT Business Cases &gt;£10,000</li> </ul>	
<p>&lt;£100,000</p> <p>&gt;£100,000</p>	<p><b>Disposal of Board Assets</b></p> <ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Board</li> </ul>	

<b>Relates to Section 3.4 of STANDING ORDERS</b>		
<b>ADMINISTRATIVE SCHEMES OF DELEGATION</b>		
<b>3.4.3 Procedure for Quotations and Tendering of Non- Pay Expenditure For Administration</b>		
<b>Financial Limits</b>		
<b>Order Value:</b>		<b>Requirement:</b>
Up to and including £5,000		Quotations not required under DoH guidance; However, the Children’s Court Guardian Agency for Northern Ireland Board wish that quotations are sought for all expenditure above the £2000 threshold.
£2,000	£30,000	Tenders or written quotations from not less than four suppliers
£30,000	£138,760	Tender managed by the Business Services Organisation as a Centre of Procurement Excellence.
Goods > £138,760		Contracts for goods for more than £138,760 are subject to The Public Supply Contracts Regulations 2015 - requiring advertising in the Supplement to The Official Journal of the European Community.
Services > £138760		Contracts for services for more than £138,760 are subject to The Public Services Contracts Regulations 2015 - requiring advertising in the Supplement to The Official Journal of the European Community.

### Placing of Orders

For orders falling within the financial limits above, the Business Services Organisation (PaLS) shall order under contracts already negotiated by tendering procedures OR shall institute the tendering process on behalf of the requisitioning officer.

When selecting suppliers to be invited to submit a quotation or tender for procurements below **£30,000**, contracting authorities should provide opportunities for Small and Medium sized Enterprises to compete for business in line with the Health and Social Care Board’s Procurement Policy.

For orders falling within the final two financial limits above, officers are advised to consult the Director of Finance. Reference shall also be made to:

- the Department's circular "Contract Procedure- Supplies";
- HSS(WS2)1/74 as amended by HSS(PPM)03/06; and

<b>Relates to Section 3.4 of STANDING ORDERS</b>	
<b>ADMINISTRATIVE SCHEMES OF DELEGATION</b>	
<b>3.4.4 Procedure for Use of External Consultants for Non-Pay Expenditure for Administration</b>	
	<p><b>Introduction:</b></p> <p><b>DHSSPS Circular HSC(F) 36-2021 provides extensive guidance on the engagement of External Consultants by Health and Social Care organisations</b></p> <p>It applies to <b>all</b> contracts for External Management “consultancy projects’ and deals with the management and monitoring of such assignments.</p> <p><b>Delegation:</b></p> <p>The Agency requires that <b>all</b> proposed use of External Management Consultants <b>must</b> be submitted, through the Head of Corporate Services, to the Chief Executive for authorisation <b>BEFORE</b> engaging or going out to tender. The authorisation framework and thresholds shall be applied as set out for non-pay expenditure.</p> <p><b>All external consultancy business cases, regardless of value must be submitted to FPAU prior to the commencement of an appointment process for any consultant.</b></p> <p>.</p>

<b>Relates to Section 3.4 of STANDING ORDERS</b>	
<b>ADMINISTRATIVE SCHEMES OF DELEGATION</b>	
<b>3.4.4 Procedure for Use of External Consultants for Non-Pay Expenditure for Administration</b>	
	<p>Appropriate Senior Leadership Team members shall be consulted before making a decision on whether the relevant skills and expertise are available internally.</p> <p><b>Tendering:</b></p> <p>The use of External Management Consultancy is subject to the normal contract procedures as referred to in Standing Orders, Administrative/Financial Schemes of Delegation for Non-Pay Expenditure (see above).</p> <p>Procurement Control Limits should be confirmed in advance with the Business Services Organisation.</p>
	<p>Where an exception is to be made under Circular <b>HSC(F) 36-2021</b> this must have Accounting Officer Approval and, if material, reported to the Audit and risk committee.</p>
	<p><b>Liaison with Department of Health, Social Services and Public Safety:</b></p> <p>The circular requires that the Department's Policy and Accountability Unit is notified <b>in all instances</b> where there is a case for External Consultants being employed. The Children's Court Guardian Agency for Northern Ireland has decided that in all cases the notification shall be directed via the Head of Corporate Services, who shall provide advice on the completion of forms and the notification to the Department of Health.</p> <p>The Circular also requires <b>the approval</b> of the Minister of Health <b>before</b> going out to tender where the fees <b>are likely to exceed</b> £10,000 and Department of Finance and Personnel approval if greater than £75,000. As above, the Head of Corporate Services shall advise on the referral for approval and shall be the primary point of contact with the Department's Policy and Accountability Unit.</p> <p>In addition, and in exceptional circumstances, if a Direct Award Contract is proposed for the External Management Consultancy project, the relevant Director must present the case to the Chief Executive who will decide whether the request may proceed to the Permanent Secretary (DoH) for approval.</p> <p>This is the case at all levels of proposed expenditure on External Management Consultancy with a proposal for a Direct Award Contract.</p>

	<p><b>Evaluation</b></p> <p>The Business Services Organisation (PaLS) should be consulted in cases where a tender is deemed necessary.</p>
	<p><b>Engagement of Consultants:</b></p> <p>The Children’s Court Guardian Agency for Northern Ireland’s standard letter of contract shall be used. Where it is deemed necessary to depart from this, advice shall be sought from the Head of Corporate Services.</p> <p><b>Monitoring:</b></p> <p>The sponsoring directorate or steering Committee must appoint an officer to manage the External Management Consultancy project.</p> <p><b>Fees and Expenses:</b></p> <p>All expenditure <b>must</b> be approved according to the Scheme of Delegated Authority by the Chief Executive or Head of Corporate Services.</p>
	<p><b>Financial Monitoring:</b></p> <p>The Head of Corporate Services is responsible for maintaining the records of expenditure on assignments completed and/or started during each year, which are required by the circular, and for submitting the quarterly and annual returns to the Department of Health.</p> <p>The nominated officer, identified as being responsible for managing the project, is responsible for advising the Head of Corporate Services on expenditure on the project.</p> <p><b>Report:</b></p> <p>The appointed officer and/or the steering Committee/project team shall complete the Post Project Evaluation Report recording the assessment of the consultant, which the circular requires. It shall then be forwarded to the Head of Corporate Services for onward submission to the Department of Health.</p>
	<p><b>Records:</b></p> <p>The monitoring officer shall set up a contract file which includes:</p> <ul style="list-style-type: none"> <li>• terms of reference / consultants brief;</li> <li>• evidence of DoH notification and approval;</li> <li>• evidence of notification to staff associations/Trade Unions if applicable;</li> <li>• evaluation criteria;</li> <li>• copies of all the consultants proposals;</li> <li>• details of the shortlisting and final selection process;</li> </ul>

	<ul style="list-style-type: none"> <li>• the letter of contract and any variations;</li> <li>• records of payments;</li> <li>• implementation plans, and</li> <li>• project evaluation details.</li> </ul>
	<p><b>Consultation with Staff:</b>                  The circular requires that staff associations/Trade Unions shall be advised when it is proposed to use consultants on an efficiency assignment which may impact on the organisational structure and/or staffing.</p> <p><b>Employment of IT Consultants:</b>                  In addition, the Information Management Group of the NHS HSS Executive has produced a guide on "The Procurement and Management of Consultants within the NHS." The Department has issued this as a model of good practice. Volume One focuses on the general issues of which senior management shall be aware and Volume Two on the practical details for a manager purchasing consultancy services.</p>

Any enquiries in connection with the above shall be addressed, in the first instance, to the Head of Corporate Services.

<b>Relates to Section 3.4 of STANDING ORDERS</b>	
<b>ADMINISTRATIVE SCHEMES OF DELEGATION</b>	
<b>3.4.5 Procedure for Delegating Power to Authorise and Approve ICT and ICT Related Investment &amp; Expenditure for Administration</b>	
	<p>The Children’s Court Guardian Agency for Northern Ireland is responsible for the preparation and implementation of an approved ICT strategy within the capital and revenue resources made available by the Minister. These resources may be supplemented by both capital and revenue resource transfers from ICT funding made available by the Business Services Organisation.</p>
	<p>The Chief Executive may delegate to the Corporate Services Manager authority to approve Business Cases up to £5,000, provided they are consistent with the priorities approved by the Board within the ICT Strategy and affordable within the budgetary allocations notified or indicated by the DHSSPS.</p>
	<p>DoH approval is required for Business Cases in excess of £10,000.</p>



**FINANCIAL SCHEMES OF DELEGATION**

This appendix refers to Sections 3.5.1 – 3.5.2 of the Standing Orders

<b>Relates to Section 3.5 of STANDING ORDERS</b>	
<b>FINANCIAL SCHEMES OF DELEGATION</b>	
<b>3.5.1 Procedure for Delegation of Budgets</b>	
	<p>The Head of Corporate Services under the authority of the Chief Executive may delegate the management of a budget to permit the performance of a defined range of activities. This delegation must be in writing and accompanied by a clear definition of:</p> <ul style="list-style-type: none"> <li>• the amount of the budget;</li> <li>• the purpose of each budget heading;</li> <li>• individual and group responsibilities;</li> <li>• authority to exercise virement within total revenue or total capital;</li> <li>• achievement of planned levels of service; and</li> </ul> <p>the provision of regular reports</p> <p><b>Principles of Delegation:</b> Control of a budget shall be set at a level at which budget management can be most effective.</p> <p>Whilst the Chief Executive retains overall responsibility for budgets, they may be delegated to Directors or nominated Officers. A list of the officers so authorised shall be maintained by the Head of Corporate Services.</p> <p><b>General:</b> All expenditure is to be included in the budgetary system and all items must be coded to a budget heading.</p> <p>Where additional funding is required outside the budgetary framework for prospective expenditure the relevant Director or nominated Officer shall prepare a submission to the Senior Leadership Team.</p>
	<p><b>Timetable:</b> The Head of Corporate Services shall have discussions with designated budget holders in January and February of each year and submit proposed budgets to the Chief Executive for approval in March of each year. The delegation of budgets shall be arranged before 1 April each year.</p> <p><b>Virement:</b> The rules governing virement are important. Virement powers cannot be unlimited as otherwise the initial budgetary decisions of the Board could be nullified. Virement rules which are too restrictive, however, will not then allow the freedom to manage. The Board</p>

	<p>wishes to permit the optimum flexibility through virement, subject to its own priorities and plans.</p> <p>Virement is permissible except where expressly excluded as below:</p> <ul style="list-style-type: none"> <li>• no virement between capital and revenue budgets is permitted except with the written permission of DoH;</li> <li>• no virement from a non-recurrent to a recurrent purpose is permitted;</li> <li>• all non-recurrent virements must be agreed within a period of account and certainly no longer than one year;</li> <li>• locally planned savings are available to the budget holder on a recurring basis at the discretion of the Director or nominated Officer involved;</li> <li>• savings arising from The Children’s Court Guardian Agency policy changes or from imposed cuts are not available to the budget holder;</li> <li>• fortuitous savings are at the disposal of budget holders in the same way as planned savings, although the Chief Executive reserves the right to request all fortuitous savings to be made available for another planned purpose;</li> <li>• where timing delays, such as the late delivery of capital equipment, mean that expenditure is not incurred in one period of account, then the "savings" are not available for virement until the postponed expenditure in the following period of account has been committed.</li> </ul> <p>Budget holders must confirm their agreement to the Head of Corporate Services in writing and the proposed virement must then be submitted to the Senior Leadership Team to be approved by the Chief Executive.</p>
	<p><b>Overspends and Underspends</b></p> <p>The consent of the Chief Executive must be obtained before incurring any overspends which cannot be met by approved virement.</p> <p>Any funds not required for their designated purpose(s) revert to the immediate control of the Chief Executive, subject to any authorised use of virement.</p>

**APPENDIX 4**

**AUDIT and RISK COMMITTEE**

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**1.0. REMIT AND CONSTITUTION**

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**1.2. Establishment of an Audit and Risk Committee**

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**2.4. Relationship with Internal Audit**

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## AUDIT AND RISK COMMITTEE

### REMIT AND CONSTITUTION

#### 1.1 Introduction

- 1.1.1 The Health and Social Care (Reform) Act (Northern Ireland) 2009 (Schedule 1, Paragraph 7) applies.

The Codes of Conduct and Code of Accountability specified the requirement for an Audit and risk committee to be established by HSS Boards and Circular HSS (PDD) 8/94 set out detailed guidance on how this shall be done.

- 1.1.2 HM Treasury Guidance “Corporate Governance in Central Government Department’s: Code Of Good Practice” (July 2005) provides that:

“Principle 5: The Board should ensure that effective arrangements are in place to provide assurance on risk management, governance and internal control. In this respect, the Board should be independently advised by:

- an Audit and risk committee chaired by an independent Non-Executive Director;
- an internal audit service operating in accordance with Government Internal Audit Standards”

- 1.1.3 On Audit and risk committees, this principle is supported by two provisions:

Provision 5.2: The Board should establish an Audit and risk committee, of at least three members. The chairman of the Committee should be an independent Non-Executive Director of the Board and at least one of the Committee members should have recent and relevant financial experience. The Audit and risk committee should be established and function in accordance with the Audit and risk committee Handbook.

Provision 5.3: The Terms of Reference of the Audit and risk committee, including its role and the authority delegated to it by the Board, should be made available publicly. The Department should report annually on the work of the Committee in discharging those responsibilities”

#### 1.2 Establishment of an Audit and risk committee

1.2.1 In accordance with The Health and Social Care (Reform) Act (Northern Ireland) 2009 (Schedule 1, Paragraph 7) an Audit and risk committee is to be constituted as a Committee of the Children’s Court Guardian Agency for Northern Ireland to act with independence.

1.2.2 Every ALB is required to establish a Non-Executive Committee of the Board to be known as the Audit and risk committee. The Committee must report directly to the Board. The main objective of that Committee is to independently contribute to the Board’s overall process for ensuring that an effective internal control system is maintained...”

### 1.3 Role

1.3.1. The Children’s Court Guardian Agency for Northern Ireland is responsible for the:

- management of its activities in accordance with laws and regulations and;
- establishment and maintenance of a system of internal control designed to give reasonable assurance that:
  - assets are safeguarded
  - waste and inefficiency are avoided
  - reliable financial information is produced and;
  - value for money is continuously sought

1.3.2 The Audit and Risk Committee will support the Board and Accounting Officer by reviewing the comprehensiveness of assurances in meeting the Board and Accounting Officer’s assurance needs and reviewing the reliability and integrity of these assurances.

1.3.3 HM Treasury “Management of Risk – Principles and Concepts” (October 2004) defines assurance as:

“an evaluated opinion, based on evidence gained from review on the organisation’s governance, risk management and internal control framework”

1.3.4 The Audit and risk committee will constructively challenge:

- assurance providers as to whether the scope of their activity meets the Board and Accounting Officer’s assurance need and;
- the actual assurances to test that they are founded on sufficient reliable evidence and that the conclusions are reasonable in the context of the evidence

## 1.4 Terms of Reference

1.4.1 The Terms of Reference of the Audit and risk committee are in accordance with the Good Practice Principles contained within HM Treasury Audit Committee Handbook (March 2007)

1.4.2 The Terms of Reference of the Audit and risk committee are approved by the Children's Court Guardian Agency for Northern Ireland and will be kept under review in light of any emerging or changing accountability arrangements for the Agency.

<b>Constitution</b>	The Board hereby resolves to establish a Committee of the Board to be known as the Audit and risk committee [The Committee]. The Committee is a non-executive committee of the Board and has no executive powers, other than those specifically delegated in these Terms of Reference
<b>Membership:</b>	The Committee shall be appointed by the Board from amongst the Non-Executive directors of the Agency and shall consist of not less than three members. The Committee shall have the power to co-opt not more than two members. The Chief Executive and Head of Corporate Services may be invited to attend a meeting of the Committee but may not be members.
<b>Chairmanship:</b>	One of the members will be appointed Chair of the Committee by the Board.
<b>Quorum:</b>	The quorum shall be 2, which shall be two Committee members. Only in emergency situations where a quorum of members cannot be established, it shall be permissible for another Board member to become a member of the Committee for that meeting only.
<b>Attendance:</b>	The Head of Corporate Services and appropriate Internal and External representatives shall normally attend meetings. At least once a year the Committee should meet privately with the External and Internal Auditors  The Chief Executive and other executive directors should be invited to attend, but particularly when the Committee is discussing areas of risk or operation that are the responsibility of that director.  The Chief Executive should be invited to attend, at least annually, to

	<p>discuss with the Audit and Risk Committee the process of assurance that supports the Governance Statement.</p> <p>Representatives from the Sponsor Branch will attend a meeting at least annually.</p>
<b>Frequency of Meetings:</b>	Meetings shall be held not less than three times a year. The External Auditor or Head of Internal Audit may request a meeting if they consider that one is necessary.
<b>Secretariat:</b>	The Chief Executive shall provide secretariat facilities for the Committee. The Committee Secretary shall attend to take minutes of the meeting and provide appropriate support to the Chairman and committee members.
<b>Proceedings:</b>	The meetings and proceedings shall be conducted as for the Board except where otherwise stated in this Schedule.
<b>Minutes:</b>	The minutes of the Committee shall be considered by the Board at the first opportunity.
<b>Authority:</b>	The committee is authorised by the Board to investigate any activity within its terms of reference. It is authorised to seek any information it requires from any employee and all employees are directed to co-operate with any request made by the committee. The committee is authorised by the Board to obtain outside legal or other independent professional advice and to secure the attendance of outsiders with relevant experience and expertise if it considers this necessary
<p><b>Duties:</b> The committee will undertake the following duties :</p> <p><b>Governance, Risk Management and Internal Control</b></p> <p>The committee shall review the establishment and maintenance of an effective system of integrated governance, internal control and risk management across the whole of the organisations activities, that support the achievement of the organisations objectives. In particular the committee will review the adequacy of</p> <ul style="list-style-type: none"> <li>▪ All risk and control related disclosure statements ( in particular the Governance Statement), together with any accompanying Head of Internal Audit statement, external audit opinion or other appropriate independent assurances, prior to endorsement by the Board;</li> <li>▪ The underlying assurance processes that indicate the degree of the achievement of corporate objectives, the effectiveness of the management of principal risks and the appropriateness of the</li> </ul>	

above disclosure statements

- The policies for ensuring that there is compliance with relevant regulatory, legal and code of conduct requirements as set out in the controls assurance standards and other relevant guidance;
- The policies and procedures for all work related to fraud and corruption as set out in DoH fraud guidelines and counter fraud services;
- The policies and procedures for ensuring that there is compliance with relevant regulatory, legal and code of conduct requirements as set out in the UK General Data Protection (GDPR) and other relevant guidance on Information Governance.

In carrying out this work the Committee will primarily utilise the work of internal audit, External Audit and other assurance functions, but will not be limited to these audit functions. It will also seek reports and assurances from directors and managers as appropriate concentrating on the overarching systems of integrated governance, risk management and internal control, together with indicators of their effectiveness.

This will be evidenced through the Committee's use of an effective Assurance Framework to guide its work and that of the audit and assurance functions that report to it.

#### **Internal Audit**

The committee shall ensure that there is an effective internal audit function established by management that meets mandatory DoH Internal Audit Standards and provides appropriate independent assurance to the Audit and risk committee, Chief Executive and Board. This will be achieved by:

- Review and approval of the internal audit strategy, operational plan and more detailed programme of work, ensuring that this is consistent with the audit needs of the organisation as identified in the Assurance Framework
- Consideration of the major findings of internal audit work (and management's response), and ensure co-ordination between the Internal and External Auditors to optimise audit resources
- To review the annual report of the Chief Internal Auditor before presentation to the Board;
- Consideration of the provision of the Internal Audit Service, the cost of the audit and an annual review of its independence and effectiveness

#### **External Audit**

The committee shall review the work and findings of the External Auditor appointed by the Audit Commission and consider the implications and management responses to their work. This will be achieved by:



- Discussion and agreement with the External Auditor, before the audit commences, of the nature and scope of the audit as set out in the external audit plan and ensure coordination, as appropriate, with other parties including the extent of the reliance to be placed on internal audit
- Discussing any problems and reservations arising from the External Auditor's work, and any matters the External Auditor may wish to discuss (in the absence of Chief Executives and other management where necessary);
- Reviewing all External Audit reports, including agreement of the External Auditor's management letter and management's response before submission to the Board;
- Consideration of the content of any report involving the Agency issued by the Public Accounts Committee or the Controller and Auditor General and reviewing management's proposed response before presentation to the Agency Board for agreement.
- Consideration of the appointment and performance of the External Auditor, reviewing their independence and effectiveness as far as the Audit Commission's rules permit

### **Other Assurance Functions**

The Committee shall review the findings of other significant assurance functions, both internal and external to the organisation, and consider the implications of the governance of the organisation.

These will include, but will not be limited to, any reviews by the DoH, RQIA or other Regulators/Inspectors.

In addition, the Committee will review the work of other committees within the organisation, whose work can provide relevant assurance to the Audit and risk committee's own work. This will particularly include the Social Care Governance Committee.

### **Management**

The Committee shall request and review reports and positive assurances from directors and managers on the overall arrangements for governance, risk management and internal control.

### **Financial Reporting**

The Committee shall review the Annual Report and Financial Statements before submission to the Board, focusing particularly on:

- The wording in the Governance Statement and other disclosures relevant to the Terms of Reference of the Committee
- Changes in, and compliance with, accounting policies and practices
- Unadjusted mis-statements in the financial statements
- Major judgemental areas
- Significant adjustments resulting from the audit

The Committee should also ensure that the systems for financial reporting in the Board, including those of budgetary controls, are subject to review as to completeness and accuracy of the information provided to the Board.

### **Reporting**

The minutes of the Audit and Risk Committee meetings shall be formally recorded by the Secretary and submitted to the Board. The Chair of the Audit and risk committee shall report to the Board after each meeting and draw to the attention of the Board any issues that require disclosure to the full Board, or require executive action.

The Committee will report to the Board annually on its work in support of the Governance Statement, specifically commenting on the fitness for purpose of the Assurance Framework, the completeness and embeddedness of risk management in the organisation and the integration of governance arrangements.

### **Other Matters**

The Committee will also carry out the following tasks in support of good financial governance:

- review proposed changes to Standing Orders and Standing Financial Instructions
- examine the circumstances associated with each occasion when Standing Orders are waived
- review schedules of losses and compensations and make recommendations to the Board
- approve accounting policies

The Committee shall be supported administratively by the Secretary, whose duties in this respect will include

- Agreement of agenda with Chairman and attendees and collation of papers
- Talking the minutes and keeping a record of matters arising and issues to be carried forward
- Advising the Committee on pertinent areas



**APPENDIX 5**

**REMUNERATION COMMITTEE**

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1.3 Role

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2.1. Attendance

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## REMUNERATION AND TERMS OF SERVICE COMMITTEE

### 1 REMIT CONSTITUTION AND CONDUCT OF BUSINESS

#### 1.1 Introduction

The Health and Social Care (Reform) Act (Northern Ireland) 2009 applies.

The Code of Conduct and Code of Accountability set out in Circular HPSS PDD 8/94 requires that a Remuneration and Terms of Service Committee be established.

#### 1.2 Background

All staff, with the exception of the Chief Executive, are on the nationally agreed terms and conditions of service. The work of the Committee must take place within this context.

#### 1.3 Role

The primary responsibility of the Remuneration and Terms of Service Committee is to advise the Board about appropriate remuneration and terms of service for the Chief Executive.

#### CONSTITUTION

The Agency Board hereby resolves to establish a Committee of the Board to be known as the Remuneration and Terms of Service Committee (The Committee).

#### MEMBERSHIP:

The Chairman and a Non-Executive Director. The Committee shall have the power to co-opt not more than two members if required.

The Chief Executive may be invited to attend the Committee in an advisory capacity but will withdraw when a matter concerning his/her remuneration package, terms of service or other matter of individual confidentiality is being discussed or documented.

The Head of Corporate of Services and a Human Resources representative from the BSO may also attend the Committee in an advisory capacity

<b>CHAIRMAN:</b>	The Chairman of the Board or a Non-Chief Executive as recommended by the Board will act as Chairman of the Remuneration Committee.
<b>QUORUM:</b>	The quorum shall be 2, which shall include one non-executive Director and the Chairman of the Agency.
<b>FREQUENCY OF MEETING:</b>	The Committee shall meet at least once a year.
<b>SECRETARIAT:</b>	The Chief Executive shall provide secretariat facilities for the committee
<b>PROCEEDINGS:</b>	The meetings and proceedings shall be conducted as for the Board except where otherwise stated in this Schedule.

#### **AUTHORITY**

The Committee is authorised by the Board to undertake any activity within its terms of reference. In particular it may:

- Seek advice from whatever source it deems to be appropriate in order to fulfil its function.
- Authorise the Chief Executive to implement remuneration packages recommended by the Committee and approved by the Board, providing the sums are within the delegated powers in the Standing Orders and Standing Financial Instructions and are in line with DoH guidance.

The Chief Executive is responsible for ensuring that any other relevant officer brings forward the necessary information in a timely manner to enable the Committee to discharge its functions and takes appropriate follow-up action.

#### **DUTIES**

The main functions of the Committee are:

- a) To make recommendations to the Board on performance, development, succession planning and appropriate remuneration and terms of service for the Chief Executive to ensure he/she is fairly rewarded for his/her contribution to the organisation as guided by DoH policy and best practice.

- b) To ensure robust objectives, performance measures and evaluation processes are in place within the Agency in respect of the Chief Executive.
- c) To make recommendations to the Board on and oversee appropriate contractual arrangements for the Chief Executive including the proper calculation and scrutiny of termination payments taking account of such national guidance as is appropriate.
- d) To make recommendations to the Board on the contractual arrangements and level of fees and expenses to be paid to the self-employed individuals who have been appointed to the Agency's Panel for the purposes of undertaking children's court guardian work.
- g) To agree the policy on the authorisation of claims process for the Chairman, non-executives and Chief Executive.
- h) For the Chairman of the Remuneration Committee to sign and date the Remuneration report for inclusion in the Children's Court Guardian Agency for Northern Ireland Annual Report subject to approval by the Board.
- h) To conduct an annual review of the Committee's performance which will include an annual review of its terms of reference and constitution; and recommend any necessary changes to the Children's Court Guardian Agency for Northern Ireland Board for approval.
- i) To conduct a review of the self employed contract for services every three years and seek a written assurance from the Business Services Organisation Directorate of Legal Services on its "Fitness for Purpose".

## REPORTING

Formal minutes will be recorded at each meeting of the Committee and, with the exception of items of individual confidentiality, will be distributed to the members of the Committee and shall be considered by the Board at the first opportunity.

The Committee will report annually in writing to the Board on the basis for its decisions and recommendations. The Board would use that report as the basis for their decisions, but would remain accountable for taking decision on the remuneration and terms of service of the Chief Executive. Minutes of the Board's meeting will record such decisions.

**APPENDIX 6**

**SOCIAL CARE GOVERNANCE COMMITTEE**

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**2.1. Attendance**

**2.2. Reporting**

**2.3. Relationship with Audit and Risk Committee**



## REMIT AND CONSTITUTION

### 1.1 Introduction

The Children's Court Guardian Agency for Northern Ireland has established a Social Care Governance Committee.

### 1.2 Establishment of a Social Care Governance Committee

1.2.1 The Social Care Governance Committee is constituted as a Committee of the Board of the Children's Court Guardian Agency for Northern Ireland. The Terms of Reference of the Committee are to be approved by the Board and recorded in the Board minutes.

1.2.2 Social Care Governance Committee meetings shall be conducted formally and a report submitted to the Board at its next meeting, along with minutes made available to Board Members.

### 1.3 Role

1.3.1 It is important that the Committee discharges its functions in a way which ensures good social care governance hinging on clear objectives, sound practices, a clear understanding of the risks run by the organisation and effective monitoring arrangements.

1.3.2. The Social Care Governance Committee will report to the Board in all aspects of social care governance functions. The SCG committee will review the risks on the Risk Register that pertain to professional standards in Social Care. The Audit and risk committee will continue to have oversight of the entire risk register.

1.3.3 The Social Care Governance Committee assists the Board in these functions by providing an objective review of the adequacy and effectiveness of controls, systems and processes in place to support the delivery of social care governance.

### 1.4. Terms of Reference

1.4.1. The Terms of Reference will be kept under review in light of any emerging or changing accountability arrangements for the Children's Court Guardian Agency for Northern Ireland.

1.4.2. The Committee will:

- Provide objective assurance to the Board regarding the key processes of social care governance.
- Agree annually the processes to be examined as a method of providing accountability and include them in an agreed work programme at the commencement of the financial year.
- Ensure that stakeholders are consulted and regularly involved in the Agency's planning processes.
- Report to the Agency Board immediately if there is any internal failing in systems, or risk to the professional service including recommendations and remedial action taken or proposed.
- Provide the Board with a report and minutes after each meeting.
- Provide the Board with an annual report on its work.

1.4.3 The following activity will fall within the remit of the Governance Committee:

- Quality, safety and standards in health and social care;
- Professional Standards for the Children's Court Guardian Service
- Social Care Delegated Statutory Functions in Adoption and Public Law Proceedings;
- Reflect And Learn from lessons from serious professional risk, adverse incident management and complaints management;
- Personal and Public Involvement including stakeholder and user feedback
- Professional regulation;
- Research and education governance;
- Other matters excluding finance that pertain to good social care governance.
- Promotion of quality within the Agency

## **1.5. Composition of the Governance Committee**

1.5.1 The Social Governance Committee shall comprise of an appointed Non-Executive Director as Chairman as recommended by the Board, at least one other Non-Executive Director as a member, the Children's Court Guardian Agency for Northern Ireland Senior Leadership Team and Guardian Services Managers. The quorum for meetings of the Committee will be 4 members, which shall include at least one Non-Executive Director and two Senior Leadership Team members. The full Senior Leadership Team representation should normally be in attendance at all meetings of the Social Care Governance Committee, including the Chief executive and the Head of Corporate Services.

## **1.6. Meetings**

- 1.6.1 The Social Care Governance Committee shall meet at least three times a year with a specific remit as the core of each meeting, although any appropriate matters may be considered at any meeting.

## **2. CONDUCT OF BUSINESS**

### **2.1 Attendance**

- 2.1.1 The Children's Court Guardian Agency for Northern Ireland Assistant Director responsible for social care governance, or their deputy, would be required to be in attendance at all meetings of the Social Care Governance Committee. He/She will provide support to the Committee and, in particular, provide advice and guidance to the Chairman. Duties include:

- agreement of agenda with the chairman and attendees;
- collation and distribution of papers 7 days in advance of the meeting;
- drafting the annual work programme in consultation with other members of the committee;
- maintaining an oversight of matters arising from meetings.

- 2.1.3 The Chief Executive shall ensure secretariat facilities are provided for the committee

### **2.2 Reporting**

The Social Care Governance Committee will formally report to the Board after each meeting, alongside minutes distributed to all Board members.

### **2.3 Relationship with the Audit and Risk Committee**

To ensure that the Children's Court Guardian Agency for Northern Ireland Audit and Risk Committee have an oversight of all risks within the organisation the Chair of the Social Care Governance Committee will be a member of the Audit and Risk Committee.

## **Appendix 7**

### The Children's Court Guardian Agency for Northern Ireland **BOARD AGENDA: STANDING ITEMS**

- 1. Chairman's Briefing**
- 2. Chief Executive's Briefing**
- 3. Finance and Performance report**
- 4. Board Committee Meetings Since Last Meeting**

**GUIDANCE FOR  
MEMBERS OF THE PUBLIC  
ATTENDING  
BOARD MEETINGS**

Welcome to the Children's Court Guardian Agency for Northern Ireland public Board meeting.

## **On Arrival**

On arrival, please make yourself known at the Reception Desk. The Business Support Manager will show you to a seat.

A copy of the Agenda for the Board Meeting will be provided for your information.

## **Procedure for a Non-Board Member participating at a Board Meeting**

The Children's Court Guardian Agency for Northern Ireland holds its Board meetings in public. These meetings are listed on the Children's Court Guardian Agency for Northern Ireland website, and advertised in the local press one week in advance of the meeting, and members of the public are invited to attend. Those wishing to attend should indicate their intention to:-

**Mrs Ann Andrew, Chief Executive's Office, Tel: 028 90 316562, Fax: 028 90 319811,  
Email: [ann.andrew@nigala.hscni.net](mailto:ann.andrew@nigala.hscni.net)**

The meeting takes place in James House, 2-4 Cromac Avenue, Belfast BT7 2JB.

Anyone requiring any specific arrangements in regard to disability or special needs should alert Mrs Ann Andrew at the Chief Executive's office one week in advance. The Children's Court Guardian Agency for Northern Ireland will endeavour to accommodate these requirements.

## **How Children's Court Guardian Agency Board Meetings operate**

The format of Agency's public Board meeting is as follows:

1. The Chairperson will welcome members of the public to the Board Meeting.
2. The Chairperson will refer those present to the agenda for today's meeting, which outlines the items which will be considered by Board members.
3. The Chairperson will advise members of the public present of their opportunity, at his invitation and at the end of the meeting, to address the Board or raise any questions they may have.

4. Where members of the public attend a public meeting without prior notice and wish to raise a question at the end of the meeting, the specified advance notice for speaking rights may be waived at the discretion of the Chairperson.
5. Members of the public may also forward their queries to the Business Support Manager for a formal response from the Board. The Board Secretary can be contacted at: James House, 2-4 Cromac Avenue, BELFAST, BT7 2JB, Tel: (028) 90 3161562, email: [ann.andrew@nigala.hscni.net](mailto:ann.andrew@nigala.hscni.net)

## **Participation in Open Board Meetings & Addressing the Board**

Non-Board members may attend Board meetings as observers, but may not participate in the meeting discussions, unless explicitly invited to do so. No photographic, television and/or recording equipment will be permitted at any meeting unless explicitly authorised by the Board. Non-Board members attending Board meetings will be asked to identify themselves and whether they have any formal affiliations.

Persons wishing to address the Board at a Board meeting should note the following:-

**Etiquette and Speaking Rights:** Deputations from any meeting, association, public body or an individual may be permitted to address a public meeting of the Board provided notice of the intended deputation and a summary of the subject matter is given to the Board at least two clear days prior to the meeting and provided the Chairperson and Board agrees. In normal circumstances this facility shall be confined to a short statement or presentation not exceeding five minutes. The Chairperson shall determine the actual allotted time and if the deputation has sufficiently covered the issue.

Requests<sup>3</sup> to address the Board will be considered by the Chair of the Board in order of receipt. No more than three presentations will be heard at any given meeting of the Board. The presentations will be made at the commencement of the public portion of the meeting. The Board is not obligated to respond to a presentation.

**Adjournment because of Disorder:** Non-Board members may be asked to leave a Board meeting if they are conducting themselves improperly or if they are otherwise disrupting the meeting, as determined by the Chair, and they may be prohibited from attending future meetings. Should the person/persons refuse to withdraw, the Chair shall adjourn the meeting until the disorderly faction has been legally removed.

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<sup>3</sup> Any requests relating to individual cases should be directed to the relevant line manager and dealt with under the Agency Complaints Policy

**Admission of Press and Public:** The meetings of the Children’s Court Guardian Agency for Northern Ireland shall be open to members of the press and public provided that the numbers attending may be accommodated in the room being used. This will be done on a “first come first served” basis.

**Withdrawal:** All such persons shall withdraw when requested to do so by the Chair.

**Closed Sessions:** Closed sessions may be held at the beginning and the end of the public segment of each Board meeting. Only those persons authorized by the Board to remain at the closed session of the meeting will be permitted to remain. Other persons will be excused from the closed portion of the meeting. Closed sessions will be held to discuss items of a confidential nature, including but not limited to: the security of the property, personal matters about an identifiable individual, employment issues, the receiving of advice that is subject to solicitor-client privilege.

## **Children’s Court Guardian Agency for Northern Ireland**

### **BOARD MEMBERS**

#### **Chair**

Mrs Gemma Loughran

#### **Non-Executive Directors**

Mr David Douglas

Mr Lee Wilson

Ms Veronica Callaghan

#### **Chief Executive**

Ms Dawn Shaw

#### **Board Secretariat**

Mrs Ann Andrew, Board Secretary

Tel: 028 90 316562

Email: [ann.andrew@nigala.hscni.net](mailto:ann.andrew@nigala.hscni.net)