

NI GUARDIAN AD LITEM AGENCY - BOARD MEETING 15th FEBRUARY 2018

- Present:** Mr Bernard Mitchell, *Chair*
Mrs Gillian McGaughey, *Non-Executive Director*
Mr Peter Reynolds, *Chief Executive*
Mr Fred Smyth, *Non-Executive Director*
Dr Karen Winter, *Non-Executive Director*
Ms Teresa Fallon, *Assistant Director*
Miss Patricia O’Kane, *Assistant Director*
Mr Sean Brown, *Corporate Services Manager*
Mr John Sheldon, *Quality Assurance & Training Manager*
- In Attendance:** Mr Kieran Donnelly, *Comptroller and Auditor General*
Ms Una Doherty, *Communications and Engagement*
- Minute Taker:** Mrs Colette Cronie, *Personal Assistant*

START TIME : 9.35am

1.18 APOLOGIES

1.18.1 There were no apologies received.

2.18 SERVICE DELIVERY – KIERAN DONNELLY, NI AUDIT OFFICE

2.18.1 Mr Mitchell welcomed Mr Kieran Donnelly, NI Audit Office, to the meeting and introductions took place. Mr Donnelly provided a background to his role as Comptroller and Auditor General and Officer of the Assembly. He advised that he is the statutory auditor of almost all of the Public Bodies in Northern Ireland and spoke about a number of projects and studies he has been involved with, including a value for money study.

2.18.2 Mr Mitchell invited discussion on issues pertaining to ‘ALBs’. Mr Donnelly referred to instances where things may go wrong within organisations and advised that these mostly relate to conflicts of interest and the area of travel and hospitality and he advised that these are the areas which most commonly appear in audits within ALB’s. In the context

of ‘change and transformation’ Mr Donnelly stressed the importance of establishing and maintaining good working relations.

- 2.18.3 Mr Mitchell thanked Mr Donnelly for his input to the meeting and Mr Donnelly subsequently left at 10.20 a.m.

3.18 DECLARATION OF INTERESTS

- 3.18.1 Mr Mitchell provided an opportunity for the Board members to identify any conflicts of interest in respect of today’s agenda. None were noted.

4.18 MINUTE OF PREVIOUS MEETING

- 4.18.1 The minute of the previous meeting of 7th December 2017 was agreed as an accurate record and approved.

5.18 MATTERS ARISING

- 5.18.1 The matters arising and action plan from the previous meeting were reviewed and the Board noted progress on the actions listed.

- 5.18.2 **95.17.3 Investors in People (IIP):** It was agreed that the viability of funding for Investors in People would be discussed at the upcoming Business Planning meeting.

- 5.18.3 **96.17.4 Information Governance Committee – 28th November 2017** - With regard to Data Sharing arrangements with Barristers and Experts, Ms O’Kane advised that Solicitors will alert experts involved in proceedings of the requirement to have a secure mail account and be in a position to satisfy such requirements within the DSA developed for Barristers ahead of the implementation of the GDPR in May 2018.

It was agreed that the above amendment would be made to the previous minute. Mr Mitchell agreed to sign the minute subsequent to this change being made.

6.18 CHAIR & NON-EXECUTIVE DIRECTOR’S BRIEFING

- 6.18.1 **Mr Mitchell – Chair Position:** Mr Mitchell informed the Board of his decision to step down from his role as Chair this year. He advised that the timescale will be dependent on how soon the Department can organise a replacement and that he will not leave until the new appointment is available.

Mr Mitchell indicated that both the post of Chair and the post of Non-Executive Director will be advertised in June 2018.

It was noted that the Non-Executive Directors have agreed to an extension of their contracts and the relevant correspondence is currently with Mr Reynolds. Mr Mitchell requested that the Agency ensure that all expiry dates of Board positions are closely monitored and the relevant communications to the Department are made in a timely fashion.

- 6.18.2 **Mentorship Scheme:** Mr Mitchell advised that the Commissioner for Public Appointments had previously enquired if the Agency would be willing to take part in a Board mentorship scheme to which a positive response was made. While no such request was received in 2017/18, they have since been in contact to ask if the Agency would still be interested in this scheme for the coming year. It was agreed that this would be declined due to the current NED vacancy and associated appointment processes in 2017/18. Mr Mitchell to write to the Commissioner to confirm this position.

ACTION: Mr Mitchell to write to the Commissioner for Public Appointments to advise that the Agency cannot be involved in the Mentorship Scheme due to the current vacancy and the fact that there is a small Board.

- 6.18.3 **Ombudsman:** Mr Mitchell referenced a letter from the Ombudsman outlining new powers impacting on how the Ombudsman's office operates, to become operational from 1 April 2018. This will include publishing reports of investigation and having the power to undertake investigations if there is a reasonable suspicion of systemic maladministration or systemic injustice.

7.18 CHAIR EXECUTIVE'S BRIEFING

- 7.18.1 Mr Reynolds referred to the *CEO Briefing* and updated the Board in a number of areas.
- 7.18.2 **Shadow Family Justice Board:** Mr Reynolds advised that this is now operational with the focus on implementing recommendations of the Review of Civil and Family Justice in Northern Ireland. Mr Reynolds indicated that papers and the minute of the initial meeting are available. It was agreed he should circulate the associated papers to Board members for information.

Mr Reynolds reported that he has invited Mr O'Hara to use the Shadow Family Justice Board as a means for considering a new '*refined*' role of the guardian.

ACTION: Mr Reynolds to distribute the minutes and associated papers of the Shadow Family Justice Board for information to the Non-Executive Directors.

- 7.18.3 **Young People's Board:** Mr Reynolds has written to Judge O'Hara (Chair of the Shadow Family Justice Board) with regards to the creation of a 'Young People's Board'. He advised that he has asked Judge O'Hara to add this matter to the agenda.
- 7.18.4 **Social Work Awards:** Mr Reynolds confirmed that a Guardian has been nominated for a Social Work award and the awards event will take place on 9th March 2018 at the Galgorm Hotel.

8.18 BUSINESS PERFORMANCE

Business Performance Report

- 8.18.1 Mr Brown referred to the *Business Performance Report* as at 31st December 2018 detailing the statistical information with regards to case appointments and trends in relation to public law and adoption proceedings.
- 8.18.2 Mr Brown indicated that in terms of getting cases allocated, there has been little improvement in this area. There are currently 50 unallocated cases and the Board discussed how these cases are prioritised for the purpose of allocation. It was noted that Guardians are working to full capacity and there are insufficient staff resources available to cope with the amount of cases received. Mr Sheldon advised that of the 51 unallocated cases, there are 31 which are currently live before the Court, with solicitors appointed.
- 8.18.3 Mr Reynolds indicated that the judiciary have been advised of the situation in relation to capacity and demand and he continues to provide updates. Mr Smyth stated that it was important that the Agency continues to keep the Judiciary informed of this matter.

Workflow Analysis Report

- 8.18.4 Mr Brown referred to the *Workflow Analysis Report* and advised the Board of current trends with regards to cases received from each HSC Trust area. It was noted that there had been a sudden increase in the number of cases received from the Southern HSCT, with an additional 40 cases received in contrast to the same period last year. It was noted there is no clear understanding as to variations in numbers of applications across the five HSC Trusts.
- 8.18.5 The Board discussed the appointment of four new self-employed Guardians and were advised that, whilst welcome, it is anticipated that for a number of reasons this will not fully resolve the issue over the longer-term. Discussion took place surrounding case duration and it was acknowledged that cases are taking longer to conclude.

8.18.6 The Board had an in-depth discussion with regards to possible solutions to the waiting list and it was agreed that in addition further recruitment, meeting with guardians and placing this on the agenda of the ‘Shadow Family Justice Board’ that it may be beneficial to have a common interest debate with stakeholders, judiciary and the Department to consider possible solutions. It was acknowledged that the Agency must focus on what is achievable in the short term and which will have the best outcome for children.

ACTION: The Agency to organise a common interest debate and invite stakeholders and the Judiciary.

Article 56 Appointment Report

8.18.7 Miss O’Kane presented the *Article 56 Appointment Report* reviewing the number and outcomes of Article 56 Appointments from 1/4/14 to 26/10/17. A key recommendation from this report is greater adherence to COAC guidance and early consideration of relevant supports and services in private law cases.

8.18.8 Mr Mitchell thanked the SMT and all staff for their ongoing work in addressing the current pressures and asked that a detailed update on actions taken was brought to the next Board, noting that he would continue to be briefed at his weekly meetings with the Chief Executive.

ACTION: A detailed update on additional action taken to address the current waiting list to be brought to the next Board.

9.18 FINANCE PERFORMANCE REPORT

9.18.1 Mr Brown referred to the Financial Report as of 31st December 2017 and reported that currently NIGALA was in a breakeven position.

9.18.2 One new self-employed (Guardian) contractor started with the Agency prior to Christmas and an additional three self-employed Guardians have commenced their induction. These appointments will be funded from surplus monies.

9.18.3 Mr Brown advised should the Agency decide to progress with Investors in People (IiP), this will be at a cost of £7k. The Board discussed IiP and Mr Smyth stated that if this is progressed, it should be outcome based and focus on what the Agency can do differently in order to be more efficient and effective. It was noted that the income generated by the Agency in year would cover the funding for IiP. Following discussion the Board gave approval for Investors in People to be progressed subject to available funding.

ACTION: Mr Brown to progress Investors in People.

- 9.18.4 Mr Brown referred to the travel budget and indicated that this may need to be increased next year. Mr Brown also informed the Board that there are a number of contracts for software programs which could be terminated as there are other more cost-effective systems which could be put in place.

10.18 BREXIT

- 10.18.1 Mr Brown updated the Board of concerns surrounding Brexit and referred to issues such as staff travelling outside the jurisdiction.
- 10.18.2 Mr Brown advised that this matter is being managed by Dr Andrew McCormick (appointed as Director General of International Relations for Brexit) based at the Department and indicated that it was important to raise any issues with the Department, which they may not yet be aware of. Mr Brown agreed to keep the Board updated on this matter.

11.18 RISK REGISTER

- 11.18.1 The Risk Register has gone before both the Information Governance and Social Care Governance Committees. It was noted that the Information Governance Committee requested that a new risk be added to the risk register which is failure to deliver on GDPR. The Board noted this new risk.
- 11.18.2 Mr Mitchell requested that going forward; all tracked changes are included on the Risk Register.

ACTION: All track changes to the Risk Register to be included on the report to the Board going forward.

12.18 BOARD SUB-COMMITTEE MEETINGS SINCE LAST BOARD MEETING:

Social Care Governance Committee – 25th January 2018

- 12.18.1 Dr Winter spoke to the Social Care Governance Plan and thanked Mrs Fallon for her work in respect of this. Dr Winter also noted her thanks to Mrs Fallon for her input with the young people at the NIGALA Conference.

12.18.2 Dr Winter referred to the recent meeting of the Social Care Governance Committee and acknowledged that a number of Guardians are involved with other areas, voluntarily outside of their role as Guardian, stating that this was extremely positive.

12.18.3 Mr Mitchell requested that all Committee reports issued in advance of minutes should be kept to one A4 page.

Information Governance Committee – 1st February 2018

12.18.4 Mr Smyth referred to the recent Information Governance Committee meeting and in particular Mr Brown provided an update on actions to support the implementation of General Data Protection Regulation (GDPR). Notably

- Training had been scheduled with NIGALA staff, to be delivered by the BSO.
- Policies on Information Governance had been redrafted to reflect the new GDPR. These would be shared with Board members as soon as equality screening was complete and subsequently ratified at the April Board meeting.

12.18.5 The Committee also recommended that a new risk be added to the Risk register, “NIGALA failure to implement GDPR”. Whilst this was a low probability risk, it was felt prudent to include it. This was recommendation was accepted.

13.18 GOVERNANCE FRAMEWORK

13.18.1 Mr Brown referred to the Governance Framework and advised that last July, the Permanent Secretary requested that Controls Assurance would change for all arms-length bodies and that Boards must be content with the assurances they receive.

13.18.2 The Framework details the various areas for which the Board must provide assurance and members requested that Mr Brown adds a section on quality measures.

13.18.3 The Board discussed the Framework document and Mr Brown agreed to complete the necessary amendments and bring this back.

ACTION: A revised governance framework document to be submitted to a future Board for approval.

14.18 ANY OTHER BUSINESS

14.18.1 There was no other business.

15.18 CONFIDENTIAL ITEMS

15.18.1 There was one item for discussion.

END TIME: 12.30pm

DATE & TIME OF NEXT MEETING: 19th APRIL 2018 @ 9.30am

Mr Bernard Mitchell, Chair NIGALA

BOARD MEETING - ACTION LIST

Ref	Subject	Action	Person Responsible	Progress for Board meeting – April 2018
6.18	<i>Mentorship Scheme</i>	Mr Mitchell to write to the Commissioner for Public Appointments to advise that the Agency cannot be involved in the Mentorship Scheme due to the current vacancy and the fact that there is a small Board.	Mr Mitchell	
7.18	Shadow Family Justice Board	Mr Reynolds to distribute the minutes and associated papers to the NEDs	Mr Reynolds	
8.18	<i>Business Performance</i>	The Agency to organise a common interest debate and invite stakeholders and the Judiciary.	Mr Reynolds	
9.18	<i>Finance Report</i>	Investors In People to be progressed.	Mr Reynolds	
11.18	<i>Risk Register</i>	All track changes to the Risk Register to be included on the report to the Board going forward.	Mr Brown	