

## NI GUARDIAN AD LITEM AGENCY BOARD MEETING – 3<sup>rd</sup> September 2020

- Present:** Mrs Gemma Loughran, *Chair*  
Mr Peter Reynolds, *Chief Executive*  
Ms Veronica Callaghan, *Non-Executive Director*  
Mrs Gillian McGaughey, *Non-Executive Director*  
Mr Lee Wilson, *Non-Executive Director*
- Apologies:** Mr Fred Smyth, *Non-Executive Director*
- In Attendance:** Mr Sean Brown, *Corporate Services Manager*  
Mrs Teresa Fallon, *Assistant Director*  
Miss Patricia O’Kane, *Assistant Director*  
Mr John Sheldon, *QA & Training Manager*
- Minute Taker:** Mrs Ann Andrew, *Administration Manager*

**START TIME: 9.30am**

*Meeting by teleconference*

### **44.20 DECLARATION OF INTERESTS**

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

### **45.20 MINUTES OF LAST MEETING: 2 JULY 2020**

- 45.20.1 The minute from the last meeting of the NIGALA Board on 2<sup>nd</sup> July 2020 was proposed by Ms Callaghan and approved as an accurate record.

### **46.20 MATTERS ARISING**

- 46.20.1 Mrs Loughran referred to the Action List from the last meeting and the Board noted the progress/outcome on each. There were no outstanding actions for discussion.

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**47.20 CHAIR & NON-EXECUTIVE'S BRIEFING**

- 47.20.1 **Rebuilding Health & Social Care Services:** Mrs Loughran indicated that she has been circulating regular correspondence from the Minister of Health in respect to Rebuilding Health & Social Care, for information purposes to Board Members. She indicated that to date the vulnerable children in the social care sector have not been part of discussions; she noted she would be raising this matter.
- 47.20.2 **Board/Staff Engagement:** Mrs Loughran confirmed that she, along with Mr Wilson and Ms Callaghan has had a number of useful Zoom meetings with staff. A further one has yet to be scheduled. She indicated that the main issues raised have been covered in the CEO Briefing Papers on Board/Staff Engagement.
- 47.20.3 **NICON:** Mr Brown indicated that he has circulated information forwarded from NICON in relation to meetings and virtual conferences. He asked Mrs Loughran and Mrs McGaughey to confirm if they wished to attend this virtual conference.

**48.20 CEO BRIEFING**

- 48.20.1 Mr Reynolds provided his *Chief Executive Briefing to the Board* by providing an update on a number of areas.
- 48.20.2 Mr Reynolds referred to his paper entitled **CEO Board Paper** apprising the Board of NIGALA activity in the period since the last meeting of the Board on 2<sup>nd</sup> July 2020. He provided a summary of work ongoing with the Shadow Family Justice Board, NI Social Work Leadership Network and the Five Nations Network.
- 48.20.3 Mr Reynolds provided a separate report to the Board on **A Review of Leadership and Governance at Muckamore Abbey Hospital**. This report is key from a Board perspective and is about the connectedness that a Board has with its organisation and raises the essential need for a risk assurance framework.
- 48.20.4 Mr Reynolds referred to his paper **Chief Executive Briefing Re: Action from last meeting** which is to inform a discussion of the Board and Executive Team with a view to holding a workshop on how the Agency can better 'influence' the HSC/Justice agenda for Looked After Children. He also referred to the Board to the **NI Social Work Leadership Network - Discussion Paper** which relates to the *Improving and Safeguarding Social Wellbeing Strategy* and the variety of developments across the recent and current landscape in relation to social work and social work leadership.

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- 48.20.5 Mr Reynolds highlighted the strategic context for the discussion noting these are national issues, issues around values, compassion & care, building leadership, collaborative working & partnership working and continuous learning & improvement. He confirmed that also laid out in the paper are a number of key links and details of the developing work with SBNI, etc.
- 48.20.6 Mrs Loughran indicated that a detailed discussion in relation to the above papers should form the Board away day/workshop. It was agreed that the workshop to address the self-assessment and risk management (30 September 2020) should be moved to November. If possible an external mediator should be brought in to assist with discussions.
- ACTION: The Board Workshop planned for 30<sup>th</sup> September 2020 to proceed with a change to the agenda. A second Board Workshop to be planned for November 2020.**
- 48.20.7 Mr Reynolds referred to his *CEO Briefing on Board/Staff Engagement* which lays out the context of engagement sessions between the Board and Guardians ad Litem. Mrs Loughran confirmed that the meetings were particularly useful for Board members and she noted that each of the meetings raised similar issues.
- 48.20.8 Two key issues were raised by individual guardians
- (i) the NIGALA 'Risk Assessment' Framework for guardians meeting with children and young people
  - (ii) the impact on the guardian's assessment to court if not seeing children and young people face to face.
- 48.20.9 Mr Reynolds indicated the paper outlines the context for NIGALA decision making and is but a snapshot as the Agency looks towards to its business activities post Covid. The paper also highlights some of the issues and the ongoing discussions. He noted the process around risk assessment is also one of tolerance and understanding by the judiciary and is about balancing the risks of not spreading the virus whilst undertaking NIGALA business.
- 48.20.10 Mr Reynolds noted that the SMT had met and reflected on discussions and will move to refresh the risk assurance framework and make it more flexible. He noted there will be an HSC audit in the autumn which will look at our compliance with guidance and policies & procedures. Mr Reynolds emphasised NIGALA's obligation as an employer is to keep staff safe and balancing these issues is an ongoing conversation which will evolve as circumstances and guidance changes. Ms Callaghan stressed the need for a proportionate approach to risk assessment.
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48.20.11 Mr Reynolds noted that the Agency has no desire to hold people back needlessly from undertaking assessments and has not been made aware that court reports are lacking due to the current restrictions. He confirmed he is mindful of the challenges and recognises the new developments ongoing and NIGALA will move forward accordingly.

## 49.20 FINANCE AND PERFORMANCE REPORT

49.20.1 Mrs Loughran referred to the *Finance and Performance Report* informing the Board of key issues in respect of performance/workflow (to 20 August 2020) and finance (to July 2020).

### ***Performance Overview***

49.20.2 Mr Brown referred to the agreed KPIs

### ***Workflow Management***

49.20.3 Mr Brown confirmed that 83.72% of cases have been allocated within 14 days. He referred to the active caseload of 734 cases with 294 cases lasting for over 400+ days duration and confirmed that Mrs Fallon and Miss O’Kane are taking forward the ‘refined role of the guardian ad litem’ workstream to make maximum use of NIGALA resources. He indicated that possibly another 150 cases are with the HSC Trusts awaiting progression to the Court for guardian appointment.

49.20.4 Mr Brown noted that of the 193 requests from lockdown, a total of 72 were return cases leaving 121 as new to the Agency. Mrs Fallon who is currently ‘on allocation’ spoke about the increasing number of cases, especially babies and families who do not originate from this country.

49.20.5 Mr Reynolds indicated that the Public Law Working Group have discussed the increasing number of cases and considered the reasons for increased duration and complexity of cases to relate to changes in society and pressures such as mental health issues/drugs/alcohol, asylum seekers and unaccompanied minors.

49.20.6 The Board discussed how NIGALA can influence the system and Mr Reynolds confirmed that the Agency already has highlighted the issues with the Shadow Family Justice Board (sFJB) and the HSC Trusts. Miss O’Kane noted that she represents NIGALA on the ‘Delay Committee’ of sFJB; she noted the Court ICOS system has no alerts built in to highlight cases with a high duration.

Mrs McGaughey indicated that whilst ICOS does not have alerts embedded that the Legal Aid system does. Miss O’Kane indicated that NIGALA is commencing a targeted intervention plan pilot to accompany new ‘care’ cases; there are plans for a 200 day alert to be added which will promote discussion of the case with Mrs Fallon/Miss O’Kane.

49.20.7 Miss O’Kane indicated that a snapshot of issues relating to delay has already been completed in NIGALA (from a Guardian’s perspective) and Mr Sheldon indicated he would share the outcome of same. Reasons behind delay related to serial adjournments, increasing reliance of expert witnesses, translators, etc.

### ***Financial Performance***

49.20.8 Mr Brown updated the Board on the Agency’s current financial standing. Currently the Agency had a small surplus of £5k. A restriction in activity due to Covid 19 had eased financial pressures. He confirmed a business case has been submitted to the DoH to cover costs relating to Covid-19. Mr Brown highlighted the fixed/variable costs and the Agency’s spending patterns stressing there is little room savings. Increasingly NIGALA spending is on staff and fixed costs.

## **50.20 EQUALITY AND DISABILITY ANNUAL REVIEW OF PROGRESS**

50.20.1 Mrs Loughran referred the Board to the *Equality & Disability Annual Review of Progress 2019-20*. Mr Brown indicated that NIGALA works in partnership with the other ALBs. The annual review provides an overview of all activities and events in-year.

50.20.2 Mrs Loughran thanked Mr Brown for an informative paper. The Board approved the *Equality & Disability Annual Review of Progress 2019-20*.

## **51.20 COVID-19 UPDATE**

51.20.1 Mr Brown provided an update to the Board in respect of the preparation ongoing for staff returning to the offices. He confirmed that all offices are now ready for the return of staff. Protective screens, taping, masks, sanitisers, gloves are all available for use.

51.20.2 Mr Brown indicated that NIGALA is in a similar position to other ALBs with none having returned to the office as yet. He noted there has been no further guidance about return to the workplace and staff continue to work from home.

## **52.20 INFORMATION GOVERNANCE**

52.20.1 Mrs Loughran referred to the *Information Governance* report and Mr Brown spoke to same. He indicated this report comes to the Board following an Internal Audit recommendation and aims to provide assurance to the Board that all appropriate information governance controls are in place.

52.20.2 Mr Brown took the Board through the paper covering all elements detailed. Mr Wilson acknowledged the assurances given along with the evidence provided.

## **53.20 DEPARTMENTAL CORRESPONDENCE**

### **Review of Arm's Length Bodies**

53.30.1 Mrs Loughran referred to correspondence from DoH, *Review of Arm's Length Bodies, ref: LM/05/08/2020* which was circulated to the Board for information. The correspondence confirms the review of all Arm's Length Bodies, of which there are over 70, will be carried out with a view to their rationalisation and also their efficiency and effectiveness. The Department of Finance will oversee this process.

53.30.2 Mr Reynolds confirmed that the review will be carried out in two stages. The first stage will glean background information and the second stage will involve an assessment as to whether the ALM meets one of the six tests detailed. Mr Reynolds stressed his wish that NIGALA be involved at stage two.

53.30.3 The Board agreed that this would be discussed at length at their planned workshop on 30<sup>th</sup> September 2020. Mr Reynolds indicated that representatives from DoH Sponsor Branch will be attending the next Board meeting on 27<sup>th</sup> October 2020; he indicated it would be useful to discuss the review at this meeting.

## **54.20 ANY OTHER BUSINESS**

### **James House – Office Move**

54.20.1 Ms Callaghan queried if the move of the Belfast Office to James House would be in jeopardy due to the Review of ALBs? Mr Brown confirmed that work with the Design Team is still progressing and provided a brief update on the ongoing plans. Mr Brown indicated he would be seeking group members to discuss furnishings in the coming weeks and all members of the Board are welcome. Mr Brown agreed to send Board members a copy of a presentation from the Design team on plans to date.

**ACTION: Mr Brown to share James House Project brief with Board members.**

#### **Guardian Ad Litem Retirement**

54.20.2 Mr Reynolds indicated that Guardians ad Litem Christine McConville, Michael McCluskey and Jean Tubman will all retire from the Agency in the coming weeks. He acknowledged their many years' service with NIGALA and the Board recognised their contribution to the work of the organisation and social care overall. Mrs Loughran indicated that she intended to write to each of the individuals on behalf of the Board to convey her thanks for their dedication to the Guardian ad Litem role.

**ACTION: Mrs Loughran to write to retiring Guardians Ad Litem on behalf of the Board.**

#### **55.20 CONFIDENTIAL ITEMS**

55.20.1 Confidential Session updated on a number of areas.

**END TIME: 11.05am**

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**Chair of the Board**

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