

**Partnership Agreement between
Department of Health
And
the Children's Court Guardian Agency for
Northern Ireland**

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Introduction

1. The Partnership Agreement

- 1.1 This document sets out the partnership arrangements between the Children’s Court Guardian Agency for Northern Ireland (the Agency) and the Department of Health (DoH). In particular, it explains the overall governance framework within which the Agency operates, including the framework through which the necessary assurances are provided to stakeholders. Roles/responsibilities of partners within the overall governance framework are also outlined.
- 1.2 The partnership is based on a mutual understanding of strategic aims and objectives; clear accountability; and a recognition of the distinct roles each party contributes. Underpinning the arrangements are the principles set out in the NI Code of Good Practice **‘Partnerships between Departments and Arm’s-Length Bodies’** which should be read in conjunction with this document. The principles which are laid out the Code are:

LEADERSHIP
<i>Partnerships work well when Departments and Arm’s Length Bodies demonstrate good leadership to achieve a shared vision and effective delivery of public services. Strong leadership will provide inspiration, instil confidence and trust and empower their respective teams to deliver good outcomes for citizens.</i>
PURPOSE
<i>Partnerships work well when the purpose, objectives and roles of Arm’s Length Bodies and the sponsor department are clear, mutually understood and reviewed on a regular basis. There needs to be absolute clarity about lines of accountability and responsibility between departments and Arm’s Length Bodies. In exercising statutory functions Arm’s Length Bodies need to have clarity about how their purpose and objectives align with those of departments.</i>

ASSURANCE
<i>Partnerships work well when departments adopt a proportionate approach to assurance, based on Arm's Length Bodies' purpose and a mutual understanding of risk. Arm's Length Bodies should have robust governance arrangements in place and in turn departments should give Arm's Length Bodies the autonomy to deliver effectively. Management information should be what is needed to enable departments and Arm's Length Bodies to provide assurance and assess performance.</i>
VALUE
<i>Partnerships work well when departments and Arm's Length Bodies share knowledge, skills and experience in order to enhance their impact and delivery. Arm's Length Bodies are able to contribute to policy making and departmental priorities. There is a focus on innovation, and on how departments and Arm's Length Bodies work together to deliver the most effective policies and services for its customers.</i>
ENGAGEMENT
<i>Partnerships work well when relationships between departments and Arm's Length Bodies are open, honest, constructive and based on trust. There is mutual understanding about each other's objectives and clear expectations about the terms of engagement.</i>

A full copy of the NI Code can be found at Annex 8.

1.3 Guidance on proportionate autonomy has been considered in determining the extent of engagement and assurance to be established between the Agency and the Department and this is reflected in this agreement. The agreement should be read in conjunction with the guidance, which provides an outline of the principles and characteristics of proportionate autonomy.

1.4 DoH and the Agency are committed to:

- Working together within distinct roles and responsibilities;
- Maintaining focus on successful delivery of Programme for Government outcomes and Ministerial priorities (see also paras 2.6 and 2.7);
- Maintaining open and honest communication and dialogue;
- Keeping each other informed of any issues and concerns, and of emerging areas of risk;
- Supporting and challenging each other on developing policy and delivery [when developing policy this may cut across more than one department];

- Seeking to resolve issues quickly and constructively; and
- Acting at all times in the public interest and in line with the values of integrity, honesty, objectivity and impartiality.

1.5 The effectiveness of the partnership and the associated Engagement Plan will be reviewed each year by the Department and the Agency in order to assess whether the partnership is operating as intended and to identify any emerging issues/opportunities for enhancement. This can be carried out as part of existing governance arrangements. The Partnership Agreement will be reviewed formally at least once every three years to ensure it remains fit for purpose and up-to-date in terms of current governance frameworks. The formal review will be proportionate to the Agency's size and overall responsibilities and will be published on departmental and ALB websites as soon as practicable following completion.

1.6 A copy of this agreement has been placed in the Assembly Library and is available on the DoH and the Agency websites.

Children’s Court Guardian Agency NI Establishment and Purpose

2. Statutory Purpose and Strategic Objectives

- 2.1 The Agency was originally established in 1995 and was known as the Northern Ireland Guardian ad Litem Agency (NIGALA) until 2023 when it was re-established as the Children’s Court Guardian Agency for Northern Ireland. The Children’s Court Guardian Agency for Northern Ireland (Establishment and Constitution) Order (Northern Ireland) 2023, which came into effect in March 2023 makes provision for the constitution of the Agency and the tenure of office of Agency members. It is established as a Special Agency under the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990. For Whole of Government Accounts NI purposes the Agency is classified to the central government sector as an Arm’s Length Body sponsored by the Department of Health.
- 2.2 The role of the Agency is to allocate children’s court guardians who are appointed by the court to represent children and young people in family law proceedings, including care and adoption proceedings, as required by Article 66 of the Adoption (Northern Ireland) Order 1987 and Article 60 of the Children (Northern Ireland) Order 1995.
- 2.3 The Minister for DoH is answerable to the Assembly for the overall performance and delivery of both the Department and the Agency.
- 2.4 The Executive’s outcome-based approach to delivery recognises the importance of arm’s length bodies and departments working collaboratively and together in a joined up approach to improve overall outcomes and results.
- 2.5 To that end there is strategic alignment between the aims, objectives and expected outcomes and results of the Agency and DoH.
- 2.6 The strategic aims of the Agency are to:

- provide the courts with independent social work investigation and advice in specified proceedings under the Children (NI) Order 1995 and under the Adoption (NI) Order 1987;
- provide effective representation of the best interests of children and young people and of their views;
- inform DoH, the Northern Ireland Courts and Tribunals Service, the Family Courts Business Committees, the Shadow Family Justice Board and Trusts and other interests about key policy, practice and financial matters affecting the Agency and its work.

Children’s Court Guardian Agency NI Governance Arrangements

3. Organisational Status

3.1 The Agency is a legal entity in its own right, employing its own staff and operating at arm’s-length from the Department. As a legal entity it must comply with all relevant legislation including legislation relating to its employer status.

4. Corporate Governance Framework

4.1 The Agency has an established Corporate Governance Framework which reflects all relevant good practice guidance. The Framework includes the corporate governance structures established within the Agency and the internal control and risk management arrangements in place. This includes its Board and Committee Structure.

4.2 An account of this Corporate Governance Framework is included in the Agency’s annual Governance Statement together with the Board of the Agency’s assessment of its compliance with the extant Corporate Governance Code of Good Practice (NI). Any departure from the Corporate Governance Code must be explained in the Governance Statement. The extant Corporate Governance Code of Good Practice (NI) is available on the Department of Finance (DoF) website.

4.3 The Agency is required to follow the principles, rules, guidance and advice in *Managing Public Money Northern Ireland*. A list of other applicable guidance and instructions which the Agency is required to follow is set out in Annex 6. Good governance should also include positive stakeholder engagement, the building of positive relationships and a listening and learning culture.

5. Social Care Governance

5.1 The Agency has robust and effective arrangements in place for social care governance to provide assurance about the quality of the Children’s Court Guardian service delivered to children and young people.

5.2 The Agency ensures that Children's Court Guardians are registered social workers, that they maintain their professional registration, and adhere to professional standards for social work in delivering a direct service to children, young people and families as part of their Guardian role.

5.3 An account of the Social Care Governance is included in the Agency's Annual Report and Annual Accounts.

6. Children's Court Guardian Agency NI Board

6.1 The Agency is led by a Board, non-executive members of which are appointed by the Department. The Board of the Agency comprises a Non-Executive Chair, four Non-Executive members and the Chief Executive. The terms of office for members are covered in the Children's Court Guardian Agency for Northern Ireland (Establishment and Constitution) Order (NI) 2023. The 2023 Order provides that the members shall be appointed for a period of four years, or such other period as may be determined by the Department at the time the appointment is made. The Commissioner for Public Appointments for Northern Ireland (CPANI) Code of Practice for Ministerial Public Appointments in Northern Ireland provides for the re-appointment or extension of the term of members. Appointments for the same position are restricted to two terms, and the maximum period in post must not exceed ten years. The appointment process for Non-Executive Board members complies with the Code of Practice on Public Appointments for Northern Ireland.

6.2 As Public Appointees, Board members are office holders rather than employees; they are not subject to employee terms and conditions. Board appraisal arrangements are set out in paras 18.1 and 18.2 and matters for consideration in dealing with concerns/complaints in respect of Board members are provided in Annex 5.

- 6.3 The Board's operating framework/terms of reference provides further detail on roles and responsibilities and should align closely with this Partnership Agreement.
- 6.4 The purpose of the Agency's Board is to provide effective leadership and strategic direction to the organisation and to ensure that the policies and priorities set by the Minister for Health are implemented. It is responsible for ensuring that the organisation has effective and proportionate governance arrangements in place and an internal control framework which allow risks to be effectively identified and managed. It is the responsibility of the Board to set the culture and values of the organisation and set the tone for the organisation's engagement with stakeholders and customers.
- 6.5 The Board is responsible for holding the Chief Executive to account for the management of the organisation and the delivery of agreed plans and outcomes. However, the Board should also however support the Chief Executive as appropriate in the exercise of their duties.
- 6.6 Board members act solely in the interests of the Agency and must not use the Board as a platform to champion their own interests or pursue personal agendas. They occupy a position of trust and their standards of action and behaviour must be exemplary and in line with the seven principles of public life (the Nolan principles). The Agency has a Board Code of Conduct and there are mechanisms in place to deal with any Board disputes/conflicts to ensure they do not become wider issues that impact on the effectiveness of the Board. A Board Register of Interests is maintained, kept up to date and is publicly available to help provide transparency and promote public confidence in the Agency.
- 6.7 Communication and relationships within the Board are underpinned by a spirit of trust and professional respect. The Board recognises that using consensus to avoid conflict or encouraging members to consistently express similar views or consider only a few alternative views does not encourage constructive debate and does not give rise to an effective Board dynamic.

- 6.8 It is for the Board to decide what information it needs, and in what format, for its meetings/effective operation. If the Board is not confident that it is being fully informed about the organisation, this will be addressed by the Chair of the Board as the Board cannot be effective with out-of-date or partial/incomplete information.
- 6.9 In order to fulfil their duties, Board members must undertake initial training, and regular ongoing training and development. Review of Board skills and development will be a key part of the annual review of Board effectiveness.

7. Audit and Risk Assurance Committee

- 7.1 A further important aspect of the Agency's governance framework is its Audit and Risk Assurance Committee, established in line with the extant Audit and Risk Assurance Committee Handbook (NI).
- 7.2 The Audit and Risk Assurance Committee's purpose/role is to support the Accounting Officer and Board on governance issues. In line with the handbook the Audit and Risk Assurance Committees focuses on:
- assurance arrangements over governance; financial reporting; annual reports and accounts, including the Governance Statement; and
 - ensuring there is an adequate and effective risk management and assurance framework in place.
- 7.3 The Agency and DoH have agreed arrangements in respect of Audit and Risk Assurance Committees which include:
- attendance by departmental representatives in an observer capacity at one of the Agency's Audit and Risk Assurance Committee meetings each financial year;
 - access to the Agency's Audit and Risk Assurance Committee papers and minutes; and
 - any input required from the Agency's Audit and Risk Assurance Committee to the departmental Audit and Risk Assurance Committee.

- completion by the Audit and Risk Assurance Committee of the National Audit Office Checklist on an annual basis. Assurance on completion of the checklist will be provided through the mid-year assurance statement and any exception issues should be reported to DoH; and
- review of the Agency's Audit and Risk Assurance Committee's terms of reference by DoH; the Agency shall notify DoH of any subsequent changes to these terms of reference.

7.4 Full compliance with the Audit and Risk Assurance Committee Handbook (NI) is an essential requirement. In the event of significant non-compliance with the handbook's five good practice principles (or other non-compliance), discussion will be required with the Department and a full explanation provided in the annual Governance Statement.

7.5 The extant Audit and Risk Assurance Committee Handbook (NI) is available on the DoF website.

8. Social Care Governance Committee

8.1 The Social Care Governance Committee purpose/role is to support the Board in all aspects of social care governance by providing an independent and objective review of the adequacy and effectiveness of control systems and processes in place to support the delivery of the Children's Court Guardian service to children and young people.

8.2 The Social Care Governance Committee reviews the risks on the Risk Register that pertain to professional standards in Social Care and the Standing Items of the committee includes Assurance on Social Care Statutory Functions; Allocation; Quarterly Operations Reports; Service Delivery; Engagement with children and young people; Influencing; and Learning and Development.

9. Chair of the Children's Court Guardian Agency

9.1 The Chair is responsible for setting the agenda and managing the Board to enable collaborative and robust discussion of issues. The Chair's role is to develop and motivate the Board and ensure effective relationships in order that the Board can work collaboratively to reach a consensus on decisions. To achieve this, he or she should ensure that:

- the Board has an appropriate balance of skills appropriate to its business;
- Board members are fully briefed on terms of appointment, duties, rights and responsibilities;
- Board members receive and maintain appropriate training;
- the Minister is advised of the Agency needs when Board vacancies arise;
- there is a Board Operating Framework in place setting out the roles and responsibilities of the Board in line with relevant guidance;
- there is a code of practice for Board members in place, consistent with relevant guidance.

9.2 The role of the Chair also requires the establishment of an effective working relationship with the Chief Executive that is both collaborative and challenging. It is important that the Chair and Chief Executive act in accordance with their distinct roles and responsibilities as laid out in Managing Public Money and their appointment letters.

9.3 The Chair has a presence in the organisation and cultivates external relationships which provide useful links for the organisation while being mindful of overstepping boundaries and becoming too involved in day to day operations or executive activities.

10. Chief Executive of the Children's Court Guardian Agency

10.1 The role of the Agency's Chief Executive is to run the Agency's business. The Chief Executive is responsible for all executive management matters affecting the organisation and for leadership of the executive management team.

- 10.2 The Chief Executive is designated as the Agency's Accounting Officer by the departmental Accounting Officer (see section 14). As Accounting Officer, the Chief Executive is responsible for safeguarding the public funds in their charge and ensuring they are applied only to the purposes for which they were voted and more generally for efficient and economical administration.
- 10.3 The Chief Executive is accountable to the Board for the Agency's performance and delivery of outcomes and targets and is responsible for implementing the decisions of the Board and its Committees. The Chief Executive maintains a dialogue with the Chair on the important strategic issues facing the organisation and for proposing Board agendas to the Chair to reflect these. In addition, the Chief Executive ensures effective communication with stakeholders and communication on this to the Board; and ensures that the Chair is alerted to forthcoming complex, contentious or sensitive issues, including risks affecting the organisation.
- 10.4 The Chief Executive acts as a role model to other executives by exhibiting open support for the Chair and Board members and the contribution they make. The Chair and Chief Executive should agree how they will work together in practice, understanding and respecting each other's role, including the Chief Executive's responsibility as Accounting Officer.
- 10.5 Further detail on the role and responsibilities of the Chief Executive are as laid out in Managing Public Money NI and their Accounting Officer appointment letter.

The Chief Executive's role as Principal Officer for Ombudsman Cases

- 10.6 The Chief Executive is the Principal Officer for handling cases involving the NI Public Sector Ombudsman. He/she shall advise the departmental Accounting Officer of any complaints about the Agency accepted by the Ombudsman for investigation, and about the proposed response to any subsequent recommendations from the Ombudsman.

Role of the Department of Health

11. Partnership Working with the Agency

11.1 The DoH and the Agency are part of a total delivery system, within the same Ministerial portfolio. The partnership between DoH and the Agency is open, honest, constructive and based on trust. There is mutual understanding of each other's objectives and clear expectations on the terms of engagement.

11.2 In exercising its functions, the Agency has absolute clarity on how its purpose and objectives align with those of DoH. There is also a shared understanding of the risks that may impact on each other and these are reflected in respective Risk Registers.

11.3 There is a regular exchange of skills and experience between the Department and the Agency and where possible joint programme/project delivery boards/arrangements. The Agency may also be involved as a partner in policy/strategy development and provides advice on policy implementation/ the impact of policies in practice.

11.4 The DoF has established, on behalf of the Assembly, a delegated authority framework which sets out the circumstances where prior DoF approval is required before expenditure can be occurred or commitments entered into. The Accounting Officer of the DoH has established an internal framework of delegated authority for the Department and all its ALBs, found here [HSC\(F\) 33-2023 - Revised HSC & NIFRS Delegated Limits and requirements for Departmental / DoF approval](#) Other specific approval requirements established in respect of the Agency are set out at Annex 3.

11.5 Once the Agency's budget has been approved by the Department/Minister [and subject to any restrictions imposed by statute] the Agency shall have authority to incur expenditure approved in the budget without further reference to the Department. Inclusion of any planned and approved expenditure in the budget shall not however remove the need to seek formal departmental approval where

proposed expenditure is outside the delegated limits (as laid out in Annex 3) or is for new schemes not previously agreed. Nor does it negate the need to follow due processes laid out in guidance contained in Managing Public Money NI and the Better Business Cases NI.

12. Lead Senior Official

12.1 The DoH has appointed the Deputy Secretary of the Social Care and Public Health Policy Group as the Executive Board Member (EBM) Sponsor for the Agency. The EBM Sponsor has specific roles and responsibilities as detailed in this Partnership Agreement, including carrying out the annual appraisal of the Agency's Chair and approving the Agency's business plan. Responsibility for managing the relationship between the Agency and the DoH, and ensuring effective partnership working, is delegated to the Director of Family and Children's Policy as the lead senior official with policy responsibility for children's social care services. Engagement between the Department and the Agency will be co-ordinated, collaborative and consistent. A clear sense of collaboration and partnership will be communicated to staff in both the Department and the Agency in order to promote mutual understanding and support. The Director of Family and Children's Policy will also be supported by Sponsor Branch and key contacts within the Department such as Finance and Governance.

12.2 The lead senior official is the policy lead for the policy area relating to the Agency's business and has a clear understanding of the Agency's responsibilities for policy implementation/operational delivery and the relevant audiences/stakeholders involved.

12.3 The lead senior official will ensure that where there are departmental staff changes, time is taken to ensure they have a full understanding of the Agency's business and challenges.

13. Annual Engagement Plan

- 13.1 The Department and the Agency will agree an engagement plan before the start of each business year. The Annual Engagement Plan (Annex 2) will set out the timing and nature of engagement between the Agency and the Department. The engagement plan will be specific to the Agency and should not stray into operational oversight.
- 13.2 Engagement between the Department's lead official/their teams and the Agency will be centred on partnership working, understanding of shared risks and working together on business developments that align with policy objectives.
- 13.3 In line with relevant guidance¹, the Agency will work in collaboration and partnership with the Department to prepare corporate and business plans. There should be good high level strategic alignment between departmental and the Agency plans. Once approved, it will be the Board of the Agency that primarily holds the Chief Executive to account for delivery and performance. The Department will engage with the Agency on the delivery of relevant departmental strategy and policy.
- 13.4 The Annual Engagement Plan will also reference the agreed management and financial information to be shared over the course of a year. The aim will be to ensure clear understanding of why information is necessary and how it will be used. Where the same, or similar information is required for internal governance, information requirements will be aligned so that a single report can be used for both purposes. In addition, the engagement plan should consider opportunities for learning and development, growth and actions which could help achieve better outcomes.

¹ Guidance issued by TEO on NICS Work Programme which includes guidance on business planning for an outcomes-based PfG/ODP

14. Departmental Accounting Officer

- 14.1 The departmental Accounting Officer (Permanent Secretary) is accountable to the NI Assembly for the issue of grant in aid to the Agency and they have designated the Chief Executive of the Agency as the Agency's Accounting Officer and respective responsibilities of the departmental Accounting Officer and the Agency Accounting Officer are set out in Chapter 3 of Managing Public Money Northern Ireland. The departmental Accounting Officer may withdraw the Agency Accounting Officer designation if he/she concludes that the Agency Accounting Officer is no longer a fit person to carry out the responsibilities of an Accounting Officer or that it is otherwise in the public interest that the designation be withdrawn. In such circumstances, the Agency Board will be given a full account of the reasons for withdrawal and a chance to make representations. Withdrawal of the Agency Accounting Officer status would bring into question employment as Chief Executive and the Chair should engage with the Department should such circumstances arise.
- 14.2 As outlined in section 10, the Agency Chief Executive is accountable to the Agency Board for their stewardship of the Agency. This includes advising the Board on matters of financial propriety, regularity, prudent and economical administration, efficiency and effectiveness.
- 14.3 The departmental Accounting Officer must be informed if the judgement of the Agency Accounting Officer (on matters for which they are responsible) is overridden by the Agency Board. The Agency Accounting Officer must also take action if the Agency Board is contemplating a course that would infringe the requirement for financial propriety, regularity, prudent and economical administration, efficiency or effectiveness. In all other regards, the departmental Accounting Officer has no day to day involvement with the Agency or its' Chief Executive.
- 14.4 In line with DoF requirements, the Agency Accounting Officer will provide an annual declaration of fitness to act as Accounting Officer to the departmental

Accounting Officer and this will be incorporated into the existing reporting arrangements.

15. Attendance at Public Accounts Committee

15.1 The Agency Chief Executive/Accounting Officer may be summoned to appear before the Public Accounts Committee to give evidence on the discharge of their responsibilities as Accounting Officer (as laid out in their Accounting Officer appointment letter) on issues arising from the Comptroller & Auditor General (C&AG) studies or reports following the annual audit of accounts.

15.2 The Chair may also, on occasion, be called to give evidence to the Public Accounts Committee on such relevant issues arising within the C&AG's studies or reports, in relation to the role and actions taken by the Board, where appropriate.

15.3 In addition, the DoH Accounting Officer may be summoned to appear before the Public Accounts Committee to give evidence on the discharge of their responsibilities as departmental Accounting Officer with overarching responsibility for the Agency. In such circumstances, the departmental Accounting Officer may therefore expect to be questioned on their responsibilities to ensure that:

- there is a clear strategic control framework for the Agency;
- sufficient and appropriate management and financial controls are in place to safeguard public funds;
- the nominated Accounting Officer of the Agency is fit to discharge their responsibilities;
- there are suitable internal audit arrangements;
- accounts are prepared in accordance with the relevant legislation and any accounting direction; and
- intervention is made, where necessary, in situations where the Agency Accounting Officer's advice on transactions in relation to regularity, propriety or value for money is overruled by the body's Board or its Chair.

Assurance Framework

16. Autonomy and Proportionality

16.1 The DoH will ensure that the Agency has the autonomy to deliver effectively, recognising its status as a separate legal entity which has its own Board and governance arrangements. As reflected, guidance on proportionate autonomy has been considered in determining the extent of engagement and assurance established between the Agency and the DoH and is reflected in this agreement.

16.2 A proportionate approach to assurance will be taken based on the Agency's overall purpose, business and budget and a mutual understanding of risk. The approach will include an agreed process through which the Agency Accounting Officer provides written assurance to the Department that the public funds and organisational assets for which they are personally responsible are safeguarded, have been managed with propriety and regularity, and use of public funds represents value for money.

16.3 Recognising the governance arrangements in place within the organisation, the Agency Accounting Officer will arrange for their written assurance to be discussed at the Agency Audit and Risk Assurance Committee and presented to the Agency Board prior to submission to the Department where possible. If not possible, or practicable, the Chair of the ALB Board should have sight of the assurance statement, prior to being submitted to the Department.

16.4 The Agency Chair will provide written confirmation that the Agency Accounting Officer's formal assurance has been considered by the Board and is reflective of the Agency's current position.

16.5 In addition to the Agency Accounting Officer's written assurance, the Department will take assurance from the following key aspects of the Agency own governance framework:

- Annual Review of Board Effectiveness;

- Completion of Board Appraisals which confirm Board member effectiveness;
- Internal Audit assurance and External Quality Assessment of the Internal Audit function;
- Externally audited Annual Report and Accounts, reviewed/considered by the Agency Audit and Risk Assurance Committee.

17. Board Effectiveness

17.1 The Agency Chair will ensure that the Agency Board undertakes an annual review of Board Effectiveness² which encompasses committees established by the Board.

17.2 The Chair will discuss the outcome of the annual review of Board Effectiveness with the lead senior official to ensure a partnership approach to any improvements identified. This will inform the annual programme of Board training/development and discussions in respect of Board composition and succession.

17.3 In line with any parameters set out in founding (or other relevant) legislation, the Chair in conjunction with the Department, and Ministers where appropriate, will consider the size and composition of the Agency Board, ensures that it is proportionate to the size and complexity of the Agency and keep this under review.

17.4 In addition to the annual review of Board Effectiveness, the Agency will undertake an externally facilitated review of Board effectiveness at least once every three years covering the performance of the Board, its Committees and individual Board members. The Chair will liaise with the Department to identify a suitably skilled facilitator for the external review (this can be a peer review and should be proportionate) and will share the findings/outcome report with the Department on completion of the review.

² NIAO Good Practice Guide on Board Effectiveness

18. Board Appraisals

- 18.1 The Chair of the Agency will conduct an annual appraisal in respect of each Board member which will also inform the annual programme of Board training/development. The Chair will engage with the Chief Executive/lead official as appropriate on improvements identified through the appraisal process and the annual training/development programme.
- 18.2 The Chair's annual appraisal will be completed by the Deputy Secretary of Social Care and Public Health Policy Group within the Department. The appraisal will take account of the key characteristics of a good chairperson (particularly for the Chair to have well developed interpersonal skills) set out in the NIAO Good Practice Guide on Board Effectiveness available on the NIAO website. There will be close engagement between the Chair and the lead official on improvements identified through the appraisal process.

19. Internal Audit Assurance

- 19.1 In line with the requirement to establish and maintain arrangements for an internal audit function that operates in accordance with the Public Sector Internal Audit Standards (PSIAS), the Agency utilises BSO Audit services. BSO discharges functions, such as Internal Audit to the Agency, on behalf of DoH in accordance with an overarching Service Level Agreement and Memorandum of Understanding with the Department.
- 19.2 The Agency will provide its internal audit strategy, periodic audit plans and annual audit report, including the Head of Internal Audit's opinion on risk management, control and governance to the Department. The Agency will ensure the BSO's internal audit team have complete right of access to all relevant records. This applies whether the internal audit function is provided in-house or is contracted out.
- 19.3 Self assessments are the responsibility of BSO, who will ensure regular, periodic self-assessments of the internal audit function in line with PSIAS and the Agency

will ensure these are shared with the Department. The Agency will also liaise with the Department on the External Quality Assessment (EQA) of the internal audit function which (in line with PSIAS) is required to be conducted at least once every five years by a qualified independent assessor. The current arrangement for the Agency's Internal Audit will be led by the Head of Internal Audit at BSO.

19.4 The Agency will alert the Department to any less than satisfactory audit reports at the earliest opportunity on an ongoing basis. The Agency will also alert the Department to a less than satisfactory annual opinion from the Head of Internal Audit at the earliest opportunity. The Agency and the Department will then engage closely on actions required to address the less than satisfactory opinion in order to move the Agency to a satisfactory position as soon as possible.

19.5 The Department will take assurance from the fact that the Agency has met the requirements of PSIAS and has a satisfactory annual opinion from the Head of Internal Audit at BSO as part of its overall assurance assessment.

20. Externally Audited Annual Report and Accounts

20.1 The Agency is required to prepare an Annual Report and Accounts in line with the Government Financial Reporting Manual (FReM) issued by the DoF and the specific Accounts Direction issued by DoH and in accordance with the deadlines specified.

20.2 The C&AG will arrange to audit the Agency's annual accounts and will issue an independent opinion on the accounts. The C&AG passes the accounts to DoH who shall lay them before the NI Assembly together with the Agency annual report.

20.3 The C&AG will also provide a Report to Those Charged with Governance (RTTCWG) to the Agency which will be shared with the Department.

20.4 The Agency will alert the Department to any likely qualification of the accounts at the earliest opportunity. In the event of a qualified audit opinion or significant

issues reported in the RTTCWG the Department will engage with the Agency on actions required to address the qualification/significant issues.

20.5 The Department will take assurance from the external audit process and an unqualified position as part of its overall assurance assessment.

20.6 The C&AG may carry out examinations into the economy, efficiency and effectiveness with which the Agency has used its resources in discharging its functions. The C&AG may also carry out thematic examinations that encompass the functions of the Agency.

20.7 For the purpose of audit and any other examinations, the C&AG has statutory access to documents as provided for under Articles 3 and 4 of the Audit and Accountability (Northern Ireland) Order 2003.

20.8 Where making payment of a grant, or drawing up a contract, the Agency should ensure that it includes a clause which makes the grant or contract conditional upon the recipient or contractor providing access to the C&AG in relation to documents relevant to the transaction. Where subcontractors are likely to be involved, it should also be made clear that the requirements extend to them.

Signatories

The Agency and the DoH agree to work in partnership with each other in line with the NI Code of Good Practice '**Partnerships between Departments and Arm's-Length Bodies**' and the arrangements set out in this Agreement.

DoF Supply will approve the initial Partnership Agreement between the Agency and the DoH and any subsequent variations to the Agreement, if they are significant.



Gemma Loughran

Chair

22/1/24



Dawn Shaw

Chief Executive

22/1/24

Signed (Department – *[at least Senior Lead Official]*)



Date

29/1/24

Annex 1 - Applicable Legislation

List the founding legislation and other key statutes which provide the Agency with its statutory functions, duties and powers.

The Adoption (Northern Ireland) Order 1987;

The Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990;

The Children (Northern Ireland) Order 1995;

The Adoption and Children Act (Northern Ireland) 2022;

The Children's Court Guardian Agency for Northern Ireland (Establishment and Constitution) Order (Northern Ireland) 2023;

Functions of Children's Court Guardian Agency for Northern Ireland (No. 1) Direction (NI) 2023;

Court Rules

Article 4.12 of the Family Proceedings Rules (NI) 1996 outlines the powers and duties of a children's court guardian in the family proceedings courts.

Annex 2 – Annual Engagement Plan

Good engagement is one of the key principles in the Partnership Code, underpinning the other principles of: Leadership; Purpose; Assurance; and Value.

As laid out in the Code, partnerships work well when relationships between departments and ALBs are open, transparent, honest, constructive and based on trust and when there is mutual understanding of each other’s objectives and clear expectations about the terms of engagement.

Engagement Plan 2023/24		
Policy Development and Delivery <i>Details of the planned engagement between the ALB and the Department in relation to development and monitoring of existing and new areas of policy.</i>		
Policy Area	Frequency/Timing	Lead Departmental/ALB Officials
Relevant DoH Policy	As required	DoH Policy Leads
Strategic Planning		
Activity	Date	Lead Departmental/ALB Official
ALB Strategic Planning Workshops – encompassing strategic planning and risk identification. Informed by input on departmental priorities/plans and risk areas	Sufficiently well in advance of the Business Year to inform development of the Business Plan for the year ahead	DoH Sponsor Branch / Agency Chief Executive
Engagement on the draft Business Plan and identification of areas of strategic interest to the Department to inform further scheduled engagement during the year	As required	DoH Sponsor Branch / Agency Chief Executive

Submission/presentation of the ALB Business Plan	As required	Agency Chief Executive
Approval of the ALB Business Plan	End of March	DoH EBM Sponsor (Grade 3 SSPG) / Agency's Board
Engagement on areas of strategic interest iro the ALB Business Plan during the year	January each year	DoH Sponsor Branch Agency Chief Executive
Joint Working		
<i>Details of any interchange opportunities, and/or joint programme/project delivery boards</i>		
Activity	Frequency/Timing	Lead Departmental/ALB Official
Board Appointments		
<i>Details of any engagement related to Public Appointment exercises</i>		
Activity	Date	Lead Departmental/ALB Official
Skills Audit & Criterion for Non Exec Directors		DoH Sponsor Branch / PAU / Chair
Interview Process (including documentation)		DoH Sponsor Branch / PAU
Sift and Selection		DoH G5 FCPD /Agency Chair
Skills Audit & Criterion for NED Chairs		DoH Sponsor Branch / PAU / outgoing Chair/ Chief Exec
Chief Executive Recruitment		
<i>Details of any engagement related to the recruitment of a new Chief Executive (if anticipated during the year ahead). ALBs should engage with the Department at an early stage in the event of the recruitment of a new Chief Executive. While recognising the role of the Board as employer, the Department will work closely with the ALB in the recruitment and selection process in line with extant guidance.</i>		
Activity	Date	Lead Departmental/ALB Official

Assurances

Details of the timetable for submission of key assurance sources and any other assurance related activity

Action	Date	Lead Departmental/ALB Official
Planning for the externally facilitated review of Board Effectiveness	Externally facilitated review at least once every three years	Agency Chair
Outcome of the Review of Board Effectiveness	Following completion of the triennial review	Agency Chair
Planned training/development for Board members	Following the end of the Business year.	Agency Chair DoH Director of Public Appointments
Chair Appraisal	Following the end of the Business year.	DoH Director of Public Appointments DoH EBM Sponsor DoH Permanent Secretary
Non-Executive Board member appraisals	Following the end of the Business year.	DoH Director of Public Appointments DoH G5 FCPD
Departmental Attendance at ARAC	Attendance as observer once per year	DoH Sponsor Branch
Assurance Statement	Bi-annual.	Agency Chief Executive DoH EBM Sponsor DoH Head of ALB Governance Team
Draft Governance Statement	Annual - end year	Agency Chief Executive DoH EBM Sponsor DoH Head of ALB Governance Team

Annual Report and Accounts	Annual	Agency Chief Executive DoH Director of Finance
Report to those Charged with Governance	Bi-annual	Agency Chief Executive
Engagement on other planned NIAO reports	As required	Agency Chief Executive
Head of Internal Audit Annual report/Opinion	Annual	Agency Chief Executive
Internal Audit Strategy and Plans	Annual	Agency Chief Executive
Internal Audit External Quality Assessment	To be conducted at least once every five years	Agency Chief Executive
Anti-Fraud Policy	Once, and then when revised - for information	Agency Chief Executive DoH Director of Finance
Fraud Response Plan	Once, and then when revised - for information	Agency Chief Executive DoH Director of Finance
Ground Clearing Meetings	Bi-Annual	Agency Chief Executive Agency Director of Corporate Services DoH EBM Sponsor
Accountability Meetings	Mid and end year	DoH Permanent Secretary DoH EBM Sponsor Agency Chair Agency Chief Executive
Board meeting papers	Bi-monthly	Agency Chief Executive DoH Sponsor Branch
Audit Committee papers	Quarterly	Agency Chief Executive DoH Sponsor Branch

Budget Management

Details of the information and returns to be provided.

Item and Purpose	Date	Lead Departmental/ALB Official
Engagement on budget requirements and Forecast Expenditure for the Financial Year	Annual	DoH Director of Finance Agency Chief Executive
Departmental approval of the annual budget	Annual	DoH Director of Finance Agency Chief Executive
Monthly Financial Management Returns	Monthly	DoH FMU; Sponsor Branch/ Agency Director of Corporate Services
Monthly Cash Forecast	Monthly	DoH FMU
Monitoring Round Returns	As required	DoH FMU/ Agency Chief Executive
Provisional Outturn	Annual/As required	DoH FMU
Final Outturn	Annual/As required	DoH FMU
DoF Commissioned Monitoring Rounds	June, October, and January (work commences the previous month)	DoH Head of FMU/All ALB's
Business cases outside APB delegated limits or falling within the definition of Novel, Contentious or repercussive	Ad hoc	DoH Head of FPAU/All ALBs
Write off outside delegated limits or which could be considered Novel, Contentious or repercussive	Ad hoc	DoH Head of FPAU/All ALBs
Test Drilling samples	Interim - November and Final – March	DoH Head of FPAU/All ALBs
FAU circulars and memos in relation to Year – End Accounts production*	Year – End (March)	DoH Head of FAU / All ALBs
<p><u>Finance, Procurement and Support Services Department of Health</u> (health-ni.gov.uk):</p>		

Circulars – FD letters* <u>External Financial Guidance</u>	Ad hoc	DoH Head of FAU/All ALBs
Capital Spend Returns	Monthly	DoH Head of CRU/All ALBs
Capital Resource Limits (CRL) Returns	Ad hoc	DoH Head of CRU/All ALBs
ISNI Delivery Tracking System Updates	Monthly	DoH Head of CRU/All ALBs
Disposals	Bi-annually	DoH Head of CRU/All ALBs
General Capital Outturn	Annually	DoH Head of CRU/All ALBs
Capital Budget Exercises/10 Year Plan	Ad hoc	DoH Head of CRU/All ALBs
DoF Commissioned Monitoring Rounds – Capital	June, October, and January (work commences the previous month)	DoH Head of CRU/All ALBs
Ad Hoc Requests	Unknown/dependent on timescales imposed	All Finance/All ALBs
Other		
Item and Purpose	Submission Date	Lead Departmental/ALB Official
Accounting Officer - Fitness to Act as Accounting Officer	Annual request from the departmental Accounting Officer	DoH Director of Governance Unit
Fraud Reporting	Immediate reporting of all frauds (proven or suspected including attempted fraud)	Agency Chief Executive DoH Director of Finance
Fraud Reporting	Annual fraud return commissioned by DoF on fraud and theft suffered by the Agency.	DoH Finance Director

Media management protocols – independence of ALB to engage with media/announcements of corporate and policy communications significant to ALB - arrangements to share press releases where relevant – ensure no surprises.	Ad hoc	DoH Director of Communications
Preparation of business cases – departments and ALBs to consider working together to share expertise where appropriate.	Ad hoc	Agency Chief Executive DoH Sponsor Branch
Whistleblowing cases/ Speaking Up/Raising Concerns.	Ad hoc	DoH Head of Corporate Governance Unit Agency Chief Executive
Northern Ireland Public Service Ombudsman (NIPSO) cases	Ad hoc	Agency Chief Executive DoH Sponsor Branch DoH Complaints
Review of the Partnership Arrangement		
<i>Tailor as required to reflect the specific requirements</i>		
Item and Purpose	Date	Lead Departmental/ALB Official
Light touch review of the Partnership Agreement	Schedule following the end of the Business Year	DoH EBM Sponsor Agency Chair Agency Chief Executive
Formal review of the Partnership Agreement	To be conducted once every three years	DoH Permanent Secretary DoH EBM Sponsor Agency Chair Agency Chief Executive

Annex 3 - Delegations

Delegated authorities

The Agency shall obtain the Department's prior written approval before:

- entering into any undertaking to incur any expenditure that falls outside the delegations or which is not provided for in the ALB's annual budget as approved by the Department;
- incurring expenditure for any purpose that is or might be considered novel or contentious, or which has or could have significant future cost implications;
- making any significant change in the scale of operation or funding of any initiative or particular scheme previously approved by the Department;
- making any change of policy or practice which has wider financial implications that might prove repercussive or which might significantly affect the future level of resources required; or
- carrying out policies that go against the principles, rules, guidance and advice in Managing Public Money Northern Ireland.

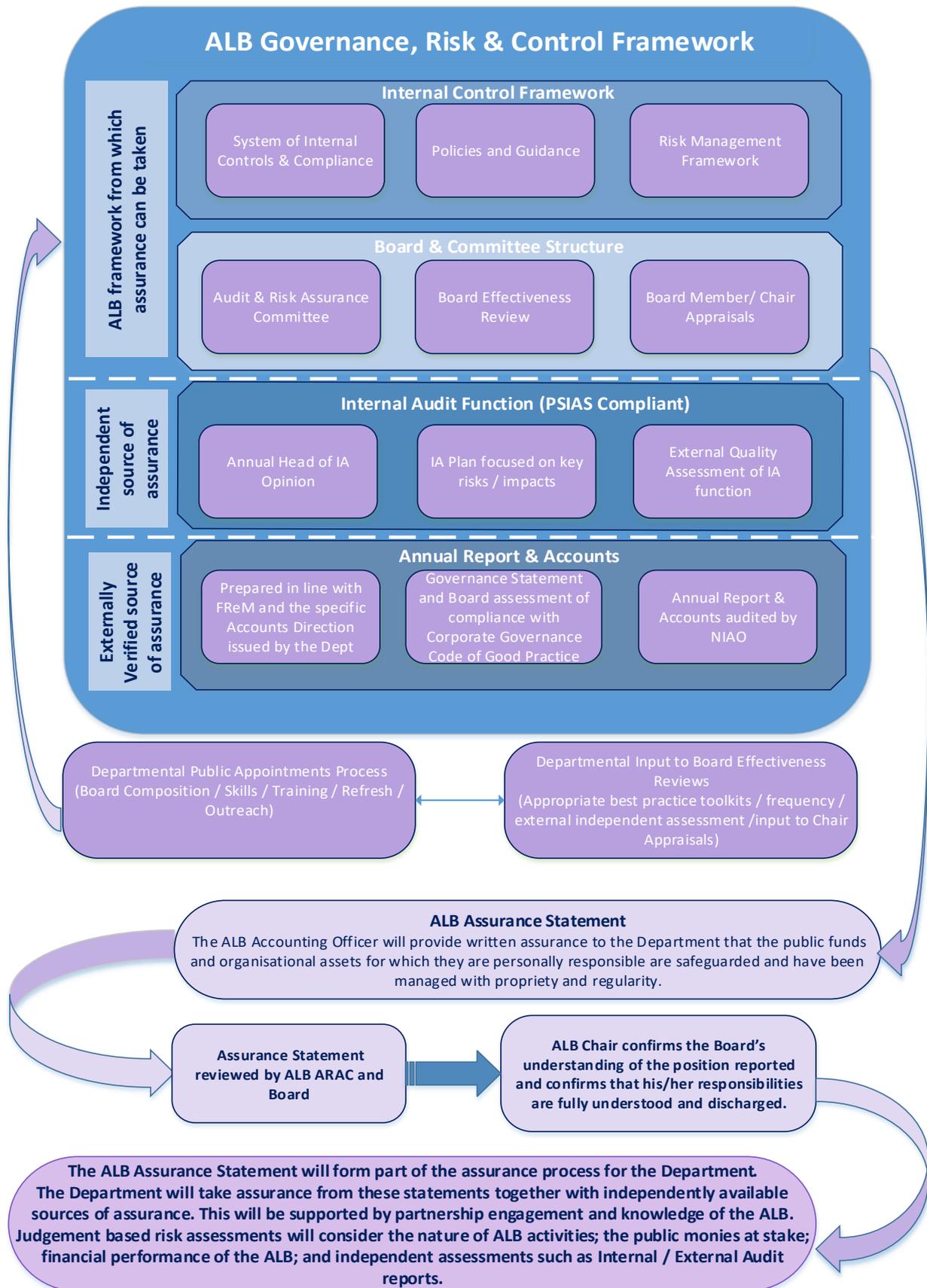
The Department's internal framework of delegated authority applies to the Agency

[HSC\(F\) 33-2023 - Revised HSC & NIFRS Delegated Limits and requirements for Departmental / DoF approval](#)

There are no other specific delegated authorities applicable to the Agency.

These delegations shall not be altered without the prior agreement of the department and, where applicable, DoF.

Annex 4 – System of Assurance



Annex 5 – Concerns/Complaints in respect of Board members

In line with the NI Code of Good Practice and the arrangements in this Partnership Agreement the approach to concerns/complaints raised in respect of the Agency Board members should be transparent and collaborative. The principle of early and open engagement is important, with the Department made aware of any concerns/complaints as soon as practicable.

While Board Members are Public Appointees/office holders rather than Agency employees an Agency employee may utilise the Agency grievance procedure/other HR procedure to raise a complaint against a Board member. The Agency employee raising the grievance should expect this to be handled in line with the Agency's HR procedures.

Concerns/complaints might also be raised through:

- Raising Concerns/Whistleblowing arrangements;
- Complaints processes;
- Directly with the Agency or the Department.

Where a concern/complaint is received within the Agency in respect of an individual Board Member this should be provided to the Agency Chair who should notify the Department at the outset in order that lead responsibility for handling the complaint/concern is clear in advance.

Where a concern/complaint relates to the Agency Chair, the Agency should notify the Department at the outset for the Department to determine the approach to handling the complaint/concern.

Differences of view in relation to matters which fall within the Board's responsibilities are a matter for the Board to resolve through consensus based decision making in the best interests of the Agency.

Exceptionally a concern/complaint may be raised by a Board Member about a fellow Board Member or a senior member of the Agency staff. The Agency Chair should notify the Department at the outset to ensure that arrangements for handling the concern/complaint are clear. The Department may determine that it should make arrangements to deal with the concern/complaint. This will be agreed at the outset.

Arrangements for concerns/complaints in respect of Board members should be reflected in all relevant procedures, including Standing Orders and Board Operating Frameworks.

Annex 6 - Applicable Guidance

The following guidance is applicable to the Agency

Guidance issued by the Department of Finance

- Managing Public Money NI
- Public Bodies – A Guide for NI Departments
- Corporate Governance in central government departments – code of good practice
- DoF Risk Management Framework
- HMT Orange Book
- The Audit and Risk Assurance Committee Handbook
- Public Sector Internal Audit Standards
- Accounting Officer Handbook – HMT Regularity, Propriety and Value for Money
- The NI Guide to Expenditure Appraisal and Evaluation
- Dear Accounting Officer Letters
- Dear Finance Director Letters
- Dear Consolidation Officer and Dear Consolidation Manager Letters
- The Consolidation Officer Letter of Appointment
- Government Financial Reporting Manual (FReM)
- Guidance for preparation and publication of annual report and accounts
- Procurement Guidance
- Better Business Cases NI

Other Guidance and Best Practice

- Specific [to the Agency] guidance issued by the Department of Health
- EU Delegations
- Recommendations made by the NI Audit Office/NI Assembly Public Accounts Committee
- NIAO Good Practice Guides
- Guidance issued by the Executive's Asset Management Unit

- NI Public Services Ombudsman guidance
- Commissioner for Public Appointments for Northern Ireland Guidance

Annex 7 – Role of the Minister

Role of the Minister

The Chair of the Agency is responsible to the Minister of Health. Communication between the Board and the Minister should normally be through the Chair.

The departmental Accounting Officer is responsible for advising the Minister of Health on a number of issues including the Agency objectives and targets, budgets and performance.

In addition to being answerable to the Assembly as laid out in paragraph 2.4, the Minister of Health is also responsible for:

- Setting the strategic direction and overall policies and priorities for the ALB as reflected in the PfG;
- Approving the ALB's Business Plan (as part of DoH Strategic Planning process this is delegated to Permanent Sec and EBM's);
- Setting the ALB's budget; and
- Appointment of non-executive board members. The Minister may also be involved in considering the size and composition of the Agency Board – see para 17.3.

Annex 8 – Partnerships between Departments and Arm’s Length Bodies: NI Code of Good Practice

NI Code of Good Practice (version 3)



NI Code of Good
Practice Version 3 (M: