



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

CHILD AND FAMILY AGENCY

**MINUTES OF BOARD MEETING
FRIDAY, 29 JANUARY 2021**

Via Video Conference

Attendance	Name	Initials	Role
Apologies	Pat Rabbitte	Chair / PR	Chairperson
Present	Anne O’Gara	AOG	Deputy Chair
Present	Charles Watchorn	CW	Board Member/ Chair of ARC
Present	Liam Irwin	LI	Board Member
Apologies	Deirdre Kiely	DK	Board Member
Present	Avril McDermott	AMcD	Board Member
Present	Paul White	PW	Board Member/Chair of ODC
Present	Sean Holland	SH	Board Member/ Chair of SQC
Present	Patricia Doherty	PD	Board Member

In Attendance	Bernard Gloster Kate Duggan Pat Smyth James Plunkett Donal McCormack Cormac Quinlan Anita Comerford Caroline Cullen Elaine Kilroe Aidan Horan Deirdre Bane Emma Dodrill Kay Keilthy	Chief Executive Director of Services and Integration(Interim) Director of Finance Data Protection Officer Director of Residential Services Director of Transformation & Policy Head of Strategy and Business Planning A/Director of Quality Assurance Head of Services Experience, Governance and Risk Systems IPA IPA Board Administrator Board Secretary
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SIGNED:

DATE: 26th March 2021

CHAIRPERSON

Start (10:00)

It was noted that a quorum was present and the Board meeting was duly convened.

1. **Apologies**

None

2 **Declarations of Interest**

None

3 **Minutes of 18 December 2020**

The Board considered and approved the minutes of the Board meeting held on 18 December 2020. ***Proposed by L. Irwin, Seconded C. Watchorn***

4 **Matters Arising**

The Board reviewed the Action Log as at the 18 December 2020.

5.0 **Private Session**

5.1 The Board approved the Board Workplan and Board/Committee Schedule for 2021. ***Proposed by A. O’Gara, Seconded A. McDermott***

5.2 The Board welcomed the formal re-appointment of P. White as a member of the Board for the period 3 February 2021 to 2nd February 2023.

5.3 The Chair thanked the Board for completion of the Board self-assessment evaluation questionnaire and for the feedback provided at their one to one meetings. The Board will consider the issues raised at their next strategic session.

5.4 The Chair of the SIC updated the Board on an ongoing investigation.

B. Gloster, Chief Executive; P. Smyth, Director of Finance and K. Duggan, Director of Integration & Services joined the meeting.

6 **CEO Report**

The CEO confirmed that the Corporate Plan 2021 – 2023 and the Business Plan 2021 had been completed as agreed at the December Board meeting and formally submitted to the Minister for approval. The CEO will update the Board on receipt of the Department response to the plans submitted.

6.1 The CEO reported on activity and significant items of note since the last Board meeting which included:

- Finance
- Financial Outturn 2020
- Budget 2021
- HR
- Data Protection
- Director of QA

- Covi-19 Response
- Mother & Baby Home Commission Records
- Performance
- Transfer of Funds – Department of Education

- 6.2 The CEO reported on his meeting and subsequent engagement with the DCEDIY and D/Per in relation to the approval of posts (the Chair had again raised the issue with the Minister and the Secretary General) as part of Tusla's structure reform. The deadline for concluding the approval process is scheduled for the end of February 2021. The Board noted the CEO's ongoing concern in relation to the delay in the approval of the posts and loss of implementation time. The Board was of the view that it should await the outcome of the approval process and agreed to convene a meeting if necessary following the February deadline.
- 6.3 The Board discussed the transfer of Tusla Education Support Services (TESS) and Alternative Education from the governance of DCEDIY to the Department of Education. The Board noted that the DCEDIY and the Department of Education were working on an MOU to allow for the oversight changes to proceed pending legislation. The Director of Finance is the corporate lead on the Agency's engagement with both the DCEDIY and the Department of Education in relation to this matter. AOG requested that the transfer of function and the potential changes in this arrangement for the Board should be listed for further consideration at the March Board meeting.
- 6.4 The CEO updated the Board on a number of ongoing cases/investigations previously brought to the Board's attention.
- 6.5 The Board noted the CEO report.

C. Quinlan, Director of Transformation & Policy and A. Comerford, Head of Strategy and Business Planning joined the meeting.

7. Corporate Plan 2021-2023

- 7.1 Awaiting response from DCEDIY.

8 Business Plan 2021

- 8.1 Awaiting response from DCEDIY

9 Business Plan Progress Report (Q4 2020)

- 9.1 The Director of Transformation reported on the Business Plan Progress Report for Q4 2020. The Board noted the content of the Q 4 progress report and proposed actions. The format and content of progress reports for all Business Plans associated with the Corporate Plan 2021-2023 will be reviewed and updated to ensure the progress reports reflect Board requirements. The Board discussed the Business Plan Progress Report for 2021 and requested greater analysis of performance where performance is not being achieved. A working draft of the progress report for the 2021 Business Plan will

be circulated to the Board for feedback to inform style and format. The Board was asked to revert with observation and comment by email to the Director of Transformation & Policy.

C. Quinlan, Director of Transformation & Policy and A. Comerford Head of Strategy and Business Planning left the meeting. J. Plunkett, DPO joined the meeting.

10 GDPR Programme- Phase 3

10.0 The Board at its meeting of 30 July 2020, approved the procurement of a strategic partner to support GDPR Programme (Implementation and Embedding the Change) Phase 3. The maximum available budget for Year 1 of Phase 3 of the GDPR+ Programme is €2.4m (ex VAT) €3m (incl VAT). Year 2 and Year 3 allocation will be informed by the Agency's requirements and funding available. The Board noted that at the conclusion of Year 1, a review will take place to ascertain GDPR compliance advancements and inform Year 2's programme and resource requirements. The programme will be overseen by the ODC and approved by the Board.

10.01 Pursuant to a Supplementary Request for Tender (SRFT) process conducted in accordance with procurement legislation and Public Procurement Guidelines for Goods and Services, a preferred provider has been chosen by the GDPR Programme Phase 3 Tender Evaluation Panel.

10.02 The Board noted the SRFT tender evaluation process (comprising of the Tender Evaluation Report, Contract Approval Form, and Draft Service Contract) employed to inform the recommendation by the Evaluation Panel to award a contract to the preferred bidder for the GDPR Phase 3 Programme.

The Evaluation Panel recommended the award of contract for GDPR Programme Phase 3 to PricewaterhouseCoopers (PwC).

The Board unanimously approved the Evaluation Panel's recommendation to award the contract for GDPR Programme Phase 3 to PricewaterhouseCoopers (PwC).

Proposed by A. McDermott; Seconded L. Irwin

J. Plunkett, DPO left the meeting. D. McCormack, Director of Residential Services joined the meeting.

11 Children's Residential Services (Recommendation to award contracts)

11.1 The Board discussed the extent to which the Agency is dependent on private providers for the provision of Children's Residential Services to complement in-house existing residential services. The Board was of the view that a comprehensive strategic review should be jointly undertaken by Tusla and DCEDIY into the provision of children's residential services to determine an appropriate balance of provision between in-house, voluntary and external providers. The Board requested the Executive to provide a review of Tusla's Children's Residential Services by the year end.

- 11.2 The Department of Public Expenditure Review, Spending Review 2020 – Tusla Residential Care Costs was circulated during the meeting for information
- 11.3 Board approval was sought for the awarding of contracts to suppliers resulting from the tender, PSR13021, for the Provision of Children’s Residential Services to complement existing community based residential services operated by / on behalf of TUSLA.
- 11.3 The evaluation team recommended the awarding of contracts as outlined below, for approval by the Board following a tender process:
- LOT1: Following Board Approval 14 Private Providers who were successful in their tender applications will be awarded contracts
 - LOT2: Following Board Approval and completion of the tender and as advised by Procurement a further 8 Private Providers will be added to a framework as part of a secondary application
 - Lot3: Following Board Approval and a reapplication process, dependent on the success of the applicants, another 4 Private Providers will be added to a framework.
- 11.4 The Evaluation Team’s recommendation was **Proposed by S. Holland; Seconded A. O’Gara**. The Board unanimously approved the awarding of contracts (LOT1, LOT2, LOT 3) for the provision of Children’s’ Residential Services to complement existing community based residential services operated by or on behalf of Tusla.

The Board requested additional information in relation to the successful providers to be circulated following the meeting.

D. McCormack, Director of Residential Services left the meeting. C. Cullen, A/Director of Quality Assurance; Elaine Kilroe, Head of Services Experience, Governance and Risk Systems; Aidan Horan, IPA and Deirdre Bane, IPA joined the meeting.

12 Risk Appetite Statement (Workshop)

- 12.1 The Director of Finance introduced the Risk Appetite Statement session noting the challenges faced in developing Tusla’s RAS and welcoming the engagement of the IPA to assist with the process. The Head of Service Experience, Governance and Risk Systems provided the Board with an overview of a high level RAS identifying risk appetite against 6 principal risk appetite categories. AH and DB facilitated the Board discussion in relation to the risk appetite categories and risk appetite. The RAS will be updated based on the discussions with the Board. The Board was broadly supportive of the RAS, noting that it was a living document and committed to schedule a review of the RAS at their strategic session in 2021.

Aidan Horan, IPA and Deirdre Bane, IPA left the meeting.

13 Corporate Risk Register

- 13.1 The Chair welcomed A/Director Dr. Caroline Cullen to the Board meeting. The Board noted the Q4 2020 CRR.

14. **AOB**

None