



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

CHILD AND FAMILY AGENCY			
MINUTES OF BOARD MEETING			
HELD ON THURSDAY 30 JULY 2020			
Via Video Conference			
Attendance	Name	Initials	Role
Present	Pat Rabbitte	Chair / PR	Chairperson
Present	Anne O’Gara	AOG	Deputy Chair
Present	Charles Watchorn	CW	Board Member/ Chair of ARC
Apologies	Liam Irwin	LI	Board Member
Present	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

Attendance	Bernard Gloster	Chief Executive
In part	Pat Smyth	Director of Finance
	Cormac Quinlan	Director of Policy & Transformation
	Brian Lee	Director of Quality & Services
	Laura Slevin	Director of Corporate Services
	James Plunkett	Data Protection Officer
Present	Emma Dodrill	Board Administrator
Present	Kay Keilthy	Board Secretary

SIGNED:

DATE: 24th September 2020

CHAIRPERSON

Start (10:30)

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

1. **Apologies**

L. Irwin

Declarations of Interest

None

Minutes of the 26 June 2020

The Board considered and approved the Minutes of the 26 June 2020.

Proposed: P. White; Seconded: C. Watchorn

The Board agreed to defer consideration of the Minutes of 2 July until the September Board meeting.

Matters Arising

None

2. **Private Session**

- 2.1 The Chair updated the Board on the meeting with the Minister O’Gorman on 10 July 2020 and the meeting with invited members of the Oireachtas for briefing on the 2019 Annual Report and discussion on topical issues.

B. Gloster, CEO, joined the meeting

The CEO updated the Board on the **S 37(1) Personal** investigation

3 **CEO Report**

P. Smyth, Director of Finance joined the meeting

- 3.1 The CEO reported on activity and significant items of note since the last Board meeting. Significant items of note in the Report included:

- Key Appointments
- Annual Report and Oireachtas Engagement
- Notifications to AGS by Agency
- Data Protection
- NCCIS Changes
- **S 37(1) Personal**
- Covid-19 Response

- 3.2 The CEO advised the Board that the DPC’s decision on the ‘72 Breaches’ was due in the next couple of weeks. As the Board will not be meeting until September the CEO requested the Board to authorise the Chair and the CEO to appeal the DPC decision in the event of a financial penalty being applied. This will be informed by several factors depending on the final decision of the DPC.

3.3 The Board was advised NCCIS system has now been calibrated to accommodate the national practice approach, Signs of Safety with live implementation on NCCIS in July 2020.

3.4 The Board noted the CEO Report.

4. **Sub Committee Reports**

ARC

4.1 The Chair of the ARC reported on the ARC meeting held on 10 July 2020.

4.2 The Board noted the ARC report and clarified the issues raised regarding the Agency's Oversight Agreement, DCYA's Internal Audit Report and the impact of Covid-19 on Internal Audit's capacity to complete the Audit work plan for 2020.

4.3 The Board clarified the Agency's governance framework and the clear responsibilities of the Board as outlined in the Agency's establishment legislation. The Oversight Agreement, a requirement of the Code of Practice for the Governance of State Bodies, defines the terms of Tusla's relationship with the Minister/DCYA. The governance relationship between Tusla and Minister O'Gorman will be articulated in a revised oversight agreement with a view to streamlining engagement between Tusla and DCYA executive.

4.4 The DCYA's Internal Audit Report was noted as a matter for DCYA. Matters which arise that are pertinent to Tusla should be communicated through normal reporting lines.

4.5 The Director of Finance and IA are reviewing the audits impacted by Covid-19 and plan to have arrangements in place by September to undertake all necessary audit work.

4.6 The Board noted the ARC report.

ODC

4.6 The Chair of the ODC reported on the ODC meetings held on 10, 22 July 2020.

4.7 The ODC approved the commencement of the stakeholder engagement process at its meeting of 10 July 2020 subject to minor changes to reflect feedback provided by the ODC.

4.8 The OD Committee accepted the Data Protection Commission ("DPC") Draft Decision in respect of the 72 breach inquiry, IN-18-11-04; and noted and accepted Tusla's Action Plan in response to the 72 breach inquiry and associated risks/mitigations.

4.9 Following detailed consideration of the GDPR + Programme Phase 3 at a special purpose meeting on 22 July the ODC approved to recommend to the Board the approval of expenditure in the amount of €15.4 Million over three years of for the procurement of a strategic partner to support GDPR Programme (Implementation and Embedding the Change] Phase 3.

4.10 The Board noted the ODC report.

SQC

- 4.11 The Chair of the SQC reported on the SQC meeting held on 21 July 2020.
- 4.12 The Chair of the SQC highlighted the audits undertaken by Practice Assurance and Service Monitoring Team (PSAM) and the Alternative Care Inspection and Monitoring Service (ACIMS) noting the volume of audits provided considerable assurance and early alert.
- 4.13 The Committee reviewed the latest performance activity report and positively welcomed the reduction in unallocated cases.
- 4.13 The SQC reviewed the summary of Expert Advisory Group Recommendations. The Committee was of the view that as many of the EAG recommendations are already being dealt with through other processes the overall EAG process should be formally signed off by the Board.
- 4.14 The Board requested the Executive to provide a summary report of the EAG recommendations identifying what has been implemented and what recommendations can be tracked through normal reporting processes.
- 4.15 The Chair of the NRP reported on the NRP Annual Report for 2019. A total of 21 deaths were notified to the NRP in 2019. The numbers notified are not statistically significantly to consider trends. The Committee raised the issue of suicide and asked the Executive to consider initiatives which could be adopted to reduce the incidence of suicide. The Committee noted the service challenges in relation to CAMHS raised by the NRP Chair.

5. Irregular Birth Registration Final Report

C. Quinlan, Director of Transformation & Policy joined the meeting

- 5.1 The Director of Policy & Transformation provided a final update of work completed to date in respect of the identification of a number of “illegal birth registrations” within the St Patrick’s Guild (SPG) records – referenced as the Incorrect Registration Project and the wider scoping exercise undertaken by Tusla and the AAI in respect of records held by Tusla.

The Board acknowledged the work of the Director of Policy & Transformation and the Adoption Team on the Incorrect Registration Project.

- 5.2 The Board noted the progress report and approved it as the final report for submission to the DCYA and the Minister. The Board also noted the Tusla Scoping Report has been submitted to the DCYA as the final submission to the Independent Review process, which has yet to be concluded by the Minister.

C. Quinlan, Director of Transformation & Policy left the meeting

6. GDPR + Programme Phase 3 and final decision on DPC ‘72 Breach’ Inquiry

L. Slevin, Director of Corporate Services and J. Plunkett, DPO joined the meeting

6.1 The DPO provided a briefing to the Board on the DPC Draft Decision [72 data breach inquiry] and Tusla's Action Plan to implement the DPC recommendations and findings identified in the Draft Decision.

6.1.1 The Board noted the OD Committee's acceptance of the Data Protection Commission ("DPC") Draft Decision in respect of the 72 breach inquiry, IN-18-11-04, on the recommendation of the Executive; and

The Board noted Tusla's Action Plan in response to the 72 breach inquiry, and associated risks/mitigations outlined in the briefing paper.

6.2 The Director of Corporate Services provided an overview of the requirements for Phase 3 of the GDPR Programme. The estimated cost of external support for the period 2020 to 2023 was outlined as €11,986,691 [ex VAT] (, €14,743,630 [incl VAT]). This figure represents additional funding requirement over ELS of €7,848,170 [incl VAT]), over the period to 2023.

6.3 The Board considered Phase 3 of the GDPR Programme noting the detailed review undertaken by the OD Committee and the summary overview provided by the Director of Corporate Services.

6.4 On the recommendation of the Executive and the OD Committee, the Board noted the estimated cost of the external support of €14,743,630, representing additional funding over ELS of €7,848,170 for the period to 2023. The Board approved the commencement of the procurement process for a strategic partner to support GDPR Programme (Implementation and Embedding the Change) Phase 3. The amount approved would be subject to the funding received by the Agency through the estimates process over this period. Proposed by P. White. Seconded by A. McDermott

L. Slevin, Director of Corporate Services and J. Plunkett, DPO left the meeting

7. **Risk Reports**

B. Lee, Director of QA joined the meeting

7.1 The Board noted the Summary CRR report and noted that a detailed CRR report with tracked planned actions is tabled at each Audit and Risk Committee.

7.2 The Board noted the Service Performance and Activity Report providing an update on the performance and activity data for Q1 and May 2020. The Director of QA drew the Board's attention to the overall reduction in unallocated cases noting two particular areas where the number of unallocated cases remains high. The Agency has plans in place with both areas to reduce the number of unallocated cases.

7.3 The Director of QA reported on the implementation of changes to the prioritisation of social work cases which will be reflected in terms of risk / need going forward. These changes are being proposed for introduction from the 29 June 2020 on NCCIS. The purpose of this change is to improve the manner in which data relating to allocated and unallocated cases are reported and analysed in accordance with the introduction of SOS. DCYA and HIQA are supportive of the changes proposed.

B. Lee, Director of QA left the meeting

8. **HR Report**

- 8.1 The Board noted the HR Employment Monitoring Report as of 31 May 2020 and the May HR Data Report showing WTE trends, Agency forecasting, staff retention and absenteeism.

9. **Financial Performance**

- 9.1 The Director of Finance reported on Tusla's financial performance year to date June 2020.

10. **AOB**

- 10.1 None

End (13:15)