



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

CHILD AND FAMILY AGENCY

**MINUTES OF BOARD MEETING
FRIDAY, 27 NOVEMBER 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
Present	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

In Attendance	Bernard Gloster Kate Duggan Pat Smyth Brian Lee Cormac Quinlan Anita Comerford Paul Hayden Emma Dodrill Kay Keilthy	Chief Executive Director of Services and Integration(Interim) Director of Finance Director of Quality Assurance Director of Transformation & Policy Head of Strategy and Business Planning Estates Manager Board Administrator Board Secretary
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SIGNED: Pat Rabbitte

DATE: 18th December 2020

CHAIRPERSON

Start 10:30

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

1. **Apologies**

None

1.2 **Declarations of Interest**

None

1.3 **Minutes of 30 October 2020**

The Board considered and approved the minutes of the Board meeting held on 30 October 2020. ***Proposed by L. Irwin; Seconded P. White***

1.4 **Matters Arising**

The Chair and the CEO met with the Minister for Further and Higher Education, Research, Innovation and Science and his Department colleagues on 30 October 2020. The Minister was keen to support Tusla in furthering its objective of increasing the number of students completing social work qualifications and agreed to facilitate a call to go out to higher education providers to put forward proposals to expand Social Work places and introduce new courses for this purpose. The Board was of the view that it was critical to increase the number of students on current social work courses and to enhance the opportunities available to students to qualify as social workers. The Board welcomed the positive response by the Minister to the issues faced by Tusla regarding qualified social workers. The Chair drew the Board's attention to a letter received from the Secretary General of the Department for Further and Higher Education, Research, Innovation and Science following on from the 30 October meeting.

2. **Private Session**

2.1 The Board in accordance with Section 22 (2) of the Child and Family Agency Act 2013 is required to hold a minimum of ten meetings per year. The Board approved in principle to increase the number of weeks between scheduled Board meetings for 2021 to take account of the Board's revised subcommittee structure and provide the Executive with sufficient time to service the increased work of the Board committees. The Board will schedule eight standard Board meetings for 2021 and will hold a minimum of two additional 'special purpose' meetings during the year as and when determined by the Chair/Board.

2.2 Following the November 27 Board meeting the Chair confirmed that he had written to Minister O'Gorman requesting a meeting to discuss as a matter of priority Tusla's Structure Reform plan. The Board agreed to discuss the matter further under the CEO's Report.

3. **Sub- Committee Reports –**

3.1 **SQC Meeting 13 November 2020**

3.2 The Chair of the SQC reported on the work of the SQC at its meeting held on 13 November 2020.

- 3.3 At the SQC meeting the CEO provided the Committee with an update on safeguarding commissioned services and reported on the issues raised in relation to an external organisation providing services to young people which had been brought to the attention of the Board at the October Board meeting. The Committee fully supported the actions taken by the CEO.
- 3.4 The SQC was provided with a presentation by Tusla Advisory Group (TAG). TAG presented their findings of a survey involving TAG members in relation to their transition from Care to Aftercare. The SQC supported TAG's proposal to undertake a national survey of the cohort of approximately two thousand young adults between 16–18 years of age in receipt of aftercare.
- 3.5 The Chair on behalf of the SQC formally expressed thanks to Brian Lee, Director of Quality Assurance for his hard work and contribution to the work of the SQC and wished him well in his new post.
- 3.6 **ODC Meeting 16 November 2020**
- 3.7 The Chair of the ODC reported on the work of the ODC at its meeting held on 11 November 2020.
- 3.8 The ODC raised a number of concerns regarding early career clinical governance and in particular the lack of a comprehensive induction programme. The Committee was appraised of a significant piece of work on the development of a post qualifying framework scheduled for consideration and approval by the SLT at the end of November.
- 3.9 The Director of Corporate Services and the DPO provided an updates on the GDPR+ Programme. The Committee was of the view that ongoing initiatives should be in place to drive compliance with the GDPR awareness training programme. The Committee received a status update on Tusla's collated action plan to address the findings of DPC 3 x breach inquiry. The ODC acknowledged the obvious hard work and significant progress but raised serious concerns that a number of actions had not been completed by the target completion deadline and noted that the data trend showed breaches were not reducing. The ODC was of the strong view that GDPR should be a priority for every manager across the Agency.
- 3.10 An update was provided on the independent "evidence based" assessment of security and data privacy related risks and areas for improvement in relation to NCCIS. The ODC welcomed the risk assessment of NCCIS and clear analysis of organisational risk and noted the mitigations actions in place in relation to user access.

B. Gloster, CEO and K. Duggan Director of Services and Integration (Interim) joined the meeting.

4 CEO Report

- 4.1 The CEO reported on activity and significant items of note since the last Board meeting which included:
- Finance
 - HR
 - Data Protection
 - Director of Quality Assurance
 - Structure Reform
 - Covid 19 Response

- Mother & Baby Home Commission Records
 - Case Update
 - Performance Conference
 - Oireachtas Committee
 - Ombudsman for Children
 - Annual Leave
- 4.2 Under Section 29(3) of the 2013 Act where the Chief Executive Officer is absent or the office of the Chief Executive Officer is vacant, the functions of the Chief Executive Officer may be performed by such employee of the Agency, as may be appointed by the Board from time to time to act as acting Chief Executive Officer. The Board resolved on 25 May 2018 to appoint an acting CEO when the CEO is absent for 3 days or more in accordance with Section 29 of the Child and Family Agency Act 2013. The Board approved the appointment of Kate Duggan, Director of Services and Integration (Interim) as acting CEO for the period 1 December to 7 December 2020 when the CEO will be absent on leave.
- 4.3 The Board noted the Performance Statement for 2021 issued by the Minister. The Board discussed the development of the 2021 Business Plan in the context of the structure reform. The Board was of the view that the 2021 Business Plan should be prepared on the presumption of approval of the reform structure.
- 4.4 The CEO advised the Board of his concern at the time lost in addressing fundamentally weak governance structures and management capacity in the Agency. The Chair of the Board and the ODC agreed to meet to discuss how to progress matters further.
- 4.5 The Board noted that the Budget 2021 specific high ask in relation to GDPR had not materialised and would therefore be dealt with under ELS. The CEO made substantial provision to add to current expenditure in 2021 to achieve the best possible effect in the already Board approved approach. The CEO sought Board approval for the revised GDPR outline tender figure in the amount of €1.3million for the outsource support for the GDPR Programme. **Proposed by P. White; Seconded by L. Irwin.**

B. Lee, Director of Quality Assurance; P. Smyth, Director of Finance; C. Quinlan, Director of Transformation & Policy and A. Comerford Head of Strategy and Planning joined the meeting.

5. **Director of Quality Assurance Report**

- 5.1 The Director of Quality Assurance reported on (1) findings from internal and external audits and inspections for Q3 2020 and (2) the latest performance and activity data for Tusla services (i.e., Q3 2020 for data reported quarterly and September 2020 for data reported monthly). The Board noted the report and were updated in relation to the specific actions identified following the Cork Cases Review and the issues in Dublin North in relation to unallocated cases.

6.1 **Annual Risk Management Report and CRR**

- 6.2 The Director of QA's Annual Risk Management Report and CRR provided a summary of the risk management practices that have occurred throughout the year and set out proposed next steps for the forthcoming period. The Board noted the lack of maturity in relation to some of the Agency's risk management systems. The Director of Services

and Integration will provide the Board at its January meeting with an update in relation to alignment and consistency of risk management practices across the services

6.3 **Review of Early Years Regulations and Enforcement Powers**

The Board noted the Review of Early Years Regulation (Child Care Act 1991 (Early Years Services) Regulations 2016 & Part 12, Child & Family Agency Act 2013) September 2020. The purpose of the paper is to share the Quality Assurance Directorate's Children Services Regulation Team determination on required changes to the Early Years Regulations, 2016 and the related legislative enforcement powers. The Board agreed that regulation reviews should be considered at committee level before submission to the Board and or Department.

6.4 The Board approved the submission of the Review of Early Years Regulations and Enforcement powers to the Department. **Proposed by A. O'Gara; Seconded by P. Doherty.**

6.5 The Board thanked Brian Lee for his conscientious and valuable contribution to the work of Tusla and wished him well in his important new role within the HSE.

B. Lee, Director of Quality Assurance, left the meeting.

Lunch Break

The Board agreed to take the Estates papers followed by the Finance papers after the break.

P. Hayden, Estates Manager joined the meeting.

7. **Estates**

7.1 **Phase 2 Capital Project – St. Josephs Limerick**

The Board approved the Phase 2 Capital Project, St. Joseph's Limerick variation to the existing construction contract to enable the refurbishment of an additional single storey wing at St. Joseph's campus Limerick, together with associated design and other costs, in line with the foregoing cost estimates. **Proposed by P. Doherty; Seconded by P. White.**

7.2 **Licence for additional parking at Mullingar PCC**

The Board approved the recommendation to enter into a licence agreement for additional car parking at Mullingar PCC. **Proposed by P. White; Seconded by L. Irwin.**

7.3 **New Licence Agreement for Buckingham St. Upper**

The Board approved to enter a licence agreement with Dublin City Council at a nominal fee to facilitate the "City Connects" service. "City Connects" is a joint initiative involving DCYA, the Dept. of Education & Skills, Boston College, and Mary Immaculate College, aimed at the long term social and economic regeneration of the North East Inner City (NEIC). **Proposed by C. Watchorn; Seconded by A. O'Gara.**

7.4 **Lease renewal Airside Business Park**

The Board approved the recommendation to enter into a lease renewal in relation to 190-195 Airside Business Park, Swords. Its long term retention is fully consistent with the Estates Strategy, as one of three main centres in the Dublin North area. **Proposed by A. McDermott; Seconded by L. Irwin.**

P. Hayden, Estates Manager left the meeting.

8.1 Financial Outturn

The Board noted the 2020 full year projections based on the extrapolation of year to date October 2020 outturn with additional estimates made for anticipated expenditures.

The Director of Finance sought Board approval for the payment of €7 million to be paid to the HSE in relation to psychology services. **Proposed by: C. Watchorn; Seconded by D. Kiely.**

The Board noted that the IPA was procured to provide external support with a review of the Agency's effectiveness of Internal Controls and Statement of Internal Control. The Board will review the effectiveness of internal controls at its March 2021 Board meeting.

8.2 Draft Budget Allocation 2021

The Director of Finance reported on the key elements of the proposed allocation for 2021. This high level allocation will form the basis of the Budget Planning process as set out in the Performance Statement and is subject to change based on the final Business Plan. The Board noted the Draft Budget Allocation 2021.

9.1 Q3 Business Plan Progress Report

The Director of Transformation & Policy reported on the implementation of the Business Plan 2020 as of Quarter 3, 2020. The report detailed the progress made on actions due in the second quarter of 2020 and the progress towards actions that are for completion throughout 2020 and those actions that are outstanding from the 2018 and 2019 Business Plan. The Board noted the Q3 Business Plan Progress Report.

9.2 Corporate Plan 2021 – 23

The Director of Transformation provided a progress update on the development of Corporate Plan 2021 – 2023 and thanked Board members for their feedback following the November Board meeting. The Board discussed the suggested changes and planned amendments involving the Vision, Mission, Values and Behaviours. A revised version of the Corporate Plan will issue in advance of the December Board Meeting outlining the 4 key objectives of the agency and the strategic actions and measures that will inform the developing of the business plan.

All members of Executive left the meeting.

10. AOB

10.1 The Chair advised the Board that P. White's term of office was due to expire on the 2nd of February 2021. P. White expressed the view that it may now be opportune to look to a change in the Chair of the ODC.

The Board approved A. McDermott as the new Chairperson of the ODC with effect from 1 January 2021. **Proposed by R. Rabbitte; Seconded by S. Holland.**