



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Board Meeting
Friday, 17th December 2021 at 10:00 am
Remote (via TEAMS)

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 received	Liam Irwin	LI	Board Member
Present	Deirdre Kiely	DK	Board Member
Present	Avril McDermott	AMcD	Board Member/ Chair of ODC
Apologies received	Paul White	PW	Board Member
Present	Sean Holland	SH	Board Member/ Chair of SQC
Present	Patricia Doherty	PD	Board Member

In Attendance	Name	Role
	Bernard Gloster	Chief Executive
	Kate Duggan	Director of Services and Integration (Interim)
	Pat Smyth	Director of Finance
	Caroline Cullen	I/Director of Quality Assurance
	Elaine Kilroe	GM, Office of the A/Director of Quality Assurance
	Cormac Quinlan	Director of Transformation & Policy
	Kim Hayes	I/Director of Human Resources
	Fergus O'Cuanachain	Chief Information Officer
	Ger Brophy	Chief Social Worker
	Fionnuala McGee	Internal Investigation Unit
	Pamela Benson	Head of Legal Services
	Tom Finn	Internal Investigation Unit
	Laura Slevin	Director Of Corporate Services
	James Plunkett	Data Protection Office (DPO)
	Jim McGuigan	Office of Director of Services and Integration
	Mairéad McKeanna	Legal Counsel
	Emma Dodrill	Board Administrator
	Kay Keilthy	Board Secretary

SIGNED:

DATE: 28th January 2022

CHAIRPERSON

The Chair noted the meeting was quorate and duly convened the meeting.

1.0 Apologies

1.1 The Board noted apologies from L. Irwin and P. White.

2.0 Declarations of Interest

2.1 None.

3.0 Minutes of Previous Meeting (26/11/2021)

3.1 The minutes of the Board meeting held on the 26th November were approved by the Board.
Proposed by S. Holland; Seconded by C. Watchorn.

4.0 Action Log

4.1 The Board noted the Action Log as of 17 December 2021.

5.0 Matters Arising

5.1 None.

6.0 Board Only Session

6.1 The Chair updated the Board on the Public Appointments Services shortlisting process in relation to the two current vacancies and the vacancy arising from Deirdre Kiely's completion of her term of office on 31 December 2021. The Board noted that this was D. Kiely's last Board meeting. The Chair thanked Ms. Kiely for her diligence, commitment and hard work as a Board member and member of the Audit and Risk committee. Ms. Kiely thanked the Chair for his comments and wished the Board well in the future.

6.2 The Chair referred to a recent communication he received from DCEDIY in relation to SWEG and asked that the correspondence be circulated to Board members for information.

7.0 Protected Disclosure Policy, SOP and Guidance Document

B. Gloster, Chief Executive; K. Duggan, Director of Services and Integration; P. Benson, Head of Legal; T. Finn and F. McGee IIC; C. Cullen, (I)Director of Quality Assurance; E. Kilroe Head of Service User Experience, Risk and Governance Systems and M. McKenna, BL joined the meeting.

7.1 The Chair welcomed members of the Executive and Counsel to the meeting. The Board noted the amended policy and guidance including the adjustment made following a recent Supreme Court ruling. The Board discussed the Disclosure Policy, SOP and Guidance Document and sought clarification on a number of procedural issues. The Chair expressed the view that the Board should reserve to itself the final decision regarding external investigations. The Board approved in principle the Protected Disclosure Policy and the associated documents with an implementation date of 31 January 2022. The Board agreed that the Chair, CEO and Chair of the ODC would approve the finalisation of the Protected Disclosure Policy and associated documents. **Proposed by P. Doherty Seconded by A. O'Gara.** Following further discussion with Counsel and the Executive Team the CEO agreed to recirculate the documents to the Chair and Chair of the ODC for final approval. The Board approved the transfer of the Protected Disclosure function from the Quality Assurance Directorate to the Office of Legal Services and noted the change of name of the investigations team to the Internal Investigation Unit (IIU).

P. Benson; T. Finn; F. McGee; C. Cullen; E. Kilroe and M. McKenna left the meeting.

8.0 Risk Management

8.1 The Board noted risks/risk management will be considered by the Board as comprehended under the CEO Report, Board Committee Reports and Executive Reports.

9.0 CEO Report

9.1 The CEO updated the Board on recent activity and items of significant note since the last Board meeting and included updates on the following:

- Structure Reform
- Performance & Functions
- CEO Business
- ICT (TuslaIrl, Cyber Attack, NCCIS2)
- Complex Cases
- 2022 Planning

9.2 The CEO confirmed that the recruitment competition for the 5 EMT posts had now concluded. The new members of the EMT will be introduced to the Board at an early date.

9.3 The CEO advised that specific additional attention is being paid to the increased retention challenges experienced in Q3. The immediate actions being taken were referenced in part at the November Board meeting with an update provided at the December ODC meeting.

9.4 The Board noted correspondence with the HSE regarding the continuation of the MOU and the Agency's trajectory of reducing dependency on the HSE on several fronts. The Board approved the overall approach by the CEO, having consulted with the ARC, to progress developing an in-house internal audit function and agreed the proposed next steps. **Proposed by C. Watchorn Seconded by: D. Kiely**

9.5 The CEO updated the Board on his correspondence with the PAC following his appearance before the committee.

9.6 The Board noted the update provided on the HSE investigation and the recently published PWC Report on the Cyber-attack and its relevance to many organisations including Tusla.

9.7 The Board questioned the CEO regarding contingency planning in the context of the current wave of Covid infections. The CEO updated the Board on the Agency's approach, involving staffing capacity, reverting to its primary functions and seeking redeployment.

9.8 The Board noted the contents of the CEO's report to the Board.

10.0 SQC Chair Report on Committee Meeting of (10/12/2021)

10.1 The Chair of the SQC gave a brief update on the work of the Committee undertaken at its meeting held on 10th December 2021.

10.2 Tusla's Child Welfare Strategy was the substantive item on the SQC agenda. The SQC received a detailed presentation on the embedding of Signs of Safety as part of the integrated approach to practice followed by an informed and robust discussion.

10.3 The Committee welcomed the continued integrated management responses provided by QuAD and Operations to different risk elements reported throughout the Agency. The Committee recognised the service improvement evidenced in the Agency's internal reports and noted this trajectory of improvement was echoed by recent HIQA reports.

10.4 The SQC received its first update by the Independent Chair of the Research and Ethics Committee. The Chair of the Research and Ethics Committee will present to the SQC on an annual basis.

- 10.5 The Board noted the report by the Chair of the SQC.
- 10.6 **TOR (SQC)**
The Board approved the revised SQC TOR's as recommended by the Committee. **Proposed by: A. McDermott, Seconded by: S. Holland**
- 11.0 **ODC Chair Report on Committee Meeting of (07/12/2021)**
- 11.1 The Chair of the ODC provided the Board with an update of the ODC meeting held on the 7th December 2021.
- 11.2 The ODC reviewed the HRQ3 Performance Activity Report. The Committee raised concerns about the number of leavers and requested a presentation on improvement actions and implementation plans following on from feedback provided at a focused engagement with regional managers and principal social workers on retention.
- 11.3 The ODC approved the Draft Standards of Integrity and Code of Conduct for submission to the Board as a final draft for engagement with Unions prior to finalisation and branding. The Board noted this item will be covered under a separate presentation later in the meeting.
- 11.4 The ODC, having considered the matter in detail, fully supported the ICT proposal to proceed with the NCCIS² programme and recommended its submission to the Board for approval. The Board noted this item will be covered under a separate presentation later in the meeting.
- 11.5 The Committee discussed in detail the proposed Data Subject Access Request (DSAR)/ Freedom of Information (FOI) Request Handling Business Case. The Committee supported the recommendation by the CEO to submit the business case to clear the backlog to the Board for approval. The proposed solution to manage the business-as-usual deficit was also discussed at the meeting but was not approved by the ODC. The Board noted this item will be covered under a separate presentation later in the meeting.
- 11.6 The Board noted the report by Chair of the ODC.
- 12.0 **ARC Chair Report on Committee meeting of (09/12/2021)**
- 12.1 The Chair of the ACR provided the Board with a summary of the ARC meeting held on the 9th December 2021
- 12.2 The ARC reviewed the PD Policy, SOP and Guidance Document and noted that the Board had dealt with the matter earlier in the meeting.
- 12.3 The Chair of the ARC updated the Board on the suspension of an audit by IA. The Board noted that it was anticipated that IA will be in a position to resume the audit in January 2022.
- 12.4 The Board noted the report by the Chair of the ARC.
- 12.5 **TOR (ARC)**
The Board approved the revised ARC TOR's as recommended by the Committee. **Proposed by C. Watchorn, Seconded by A. McDermott**
- 13.0 **Procurement of Non-Statutory (Private) Foster Care**
J. McGuigan, National Lead for Alternative Care and P. Smyth, Director of Finance joined the meeting.

- 13.1 The Director of Services and Integration and the National Lead for Alternative Care reported to the Board on the Tender Evaluation for the Procurement of Non- Statutory (Private) Foster Care. The procurement process sought to engage providers in a dynamic light touch process under article 14 of the procurement procedures to establish a bespoke panel of providers involving 5 Lots. The Board's attention was drawn to a change in the paper submitted to the Board in relation to lot 5. A revised paper was circulated at the Board meeting.
- 13.2 The Board noted the substantial growth in the cost of private foster care since 2005 and welcomed the development of a strategic foster care plan in 2022 which will look at reducing the Agency's dependency on private foster care.
- 13.3 The Procurement Evaluation Group (PEG) sought Board approval to complete the procurement process for the procurement of non-statutory (private) foster care and issue the results. The Board was assured that the procurement was completed within the parameters set out in the procurement regulations. The Board approved the completion of the procurement process for the procurement of non-statutory foster care involving 5 Lots as submitted by the Director of Services and Integration and the National Lead for Alternative Care. **Proposed by D. Kiely, Seconded by C. Watchorn**

J. McGuigan left the meeting.

14.0 NCCIS2 Project

G. Brophy, Chief Social Worker and F. O'Cuanachain, CIO joined the meeting.

- 14.1 The CIO and the Chief Social Worker presented on the NCCIS² Proposal providing a description of the project approach, details of the project plan and the governance structure. The Board was of the view that NCCIS² represented a transformative piece of work by the Agency, however, noted the challenges and complexity of the project. The Chair of the ODC advised the Board that the Committee had reviewed the proposal in detail and had no hesitancy in recommending the proposal to the Board for approval. The Board approved the proposal to proceed with the NCCIS² programme as presented and recommended by the ODC. **Proposed by A. McDermott, Seconded by C. Watchorn**

The CIO thanked the ODC Committee and members of the Board for their considered guidance and constructive challenge in relation to the NCCIS² programme.

G. Brophy and F. O'Cuanachain left the meeting.

15.0 FOI SARS Backlog (Business Case)

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

- 15.1 By way of introduction the CEO advised of an outsource solution to clear a once off considerable backlog of Data Subject Access Requests (DSAR) and FOI requests previously advised to Board in early 2021. The outsource solution did not materialise to the extent of the success anticipated and was stood down. A new approach, recommended by the ODC and CEO, was now being presented by the Director of Corporate Services and the DPO to the Board for consideration.
- 15.2 Following discussion the Board approved the DSAR/FOI Business Case in relation to the backlog noting as follows:
- The backlog process for clearing DSAR/FOI's will comprehend the backlog to December 2021 and is cognisant of the anticipated new work that will generate in ordinary course 2022 therefore not resulting in a new backlog save in the most

unforeseen exceptional circumstances. In such situations surge capacity will be approved by the CEO estimated maximum cost €1,500 per case (based on the length of current sampled files).

- The backlog clearance will include DSAR/FOIs in the adoption service to December 2021 but excludes any new demand resulting from anticipated legislative changes in 2022 for which separate provision is made within the 2022 Business Plan.
- The backlog cost for 12 months commencing latest May 2022 concluding May latest 2023 is 2.07m (Vat incl). The proposed model of outsource skills managed in an internal process unit at a maximum cost of 2.07 m (Vat incl) can be expanded and contracted in line with demand in the period. The additional administrative posts located in various regions/services 10 of which will be provided by the Director of Services and Integration from within 2022 allocation and will be managed directly by operational services
- The CEO will approve the continued building of sustainable internal capacity in the regions/adoption over 2022 and 2023 with a concentration on the regions.

Proposed by P. Doherty Seconded by A. McDermott.

L. Slevin and J. Plunkett left the meeting.

16.0 Standards of Integrity and Code of Conduct (DRAFT)

K. Hayes (I) Director of HR joined the meeting.

- 16.1 The (I) Director of HR reported to the Board on the Draft Standard of Integrity and Code of Conduct. The Board approved the draft Standards of Integrity and Code of Conduct as recommended by the ODC and the CEO, as the final draft for engagement with the Unions prior to formatting and branding. **Proposed by P. Doherty; Seconded by A. O'Gara.**

17.00 Business Plan 2022

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

- 17.1 The Board considered the draft Business Plan for 2022 consistent with year 2 of the Corporate Plan. The draft Business Plan outlined the Operational and Capital Budget for 2022. The Board approved the draft Business Plan for 2022. The Board agreed that the Chair of the Board and the CEO would finalise the Business Plan for submission to the Minister in accordance with Section 46 of the Child and Family Agency ACT 2013. **Proposed by C. Watchorn, Seconded by A. O'Gara.**

The Board thanked the Director of Policy and Transformation and his Team for the work in relation to the Business Plan for 2022.

C. Quinlan and K. Hayes left the meeting.

18.0 Performance Activity Reports (Q3 2021)

The Board noted the Performance Activity Report for Q3 and expressed concern about the reverse trend in relation to unallocated cases due to the decrease in availability of social workers. The Board noted the implementation of Therapeutic Services in 2022 to support social work teams. The Director of Services and Integration assured the Board that the highest priority cases are being seen and noted that sustaining services was the biggest challenge for

the Agency at the moment due to the impact of Covid.

C. Cullen left the meeting.

19.0

AOB

Letter from Minister O'Gorman dated 16th December re SWEG was circulated to members of the Board during the meeting.

The Chair thanked Board members for their work during the year and wished all a very Happy Christmas. The Board asked for best wishes to be passed on to P. White and L. Irwin.

End.