

**Board Meeting**  
**9:30am Friday, 29th July 2022**  
**L4.03 Brunel Building, HSQ, Dublin 8**

<b>Name</b>	<b>Title</b>	<b>Attendance</b>
<b>Board Members</b>		
Pat Rabbitte	Chairperson	Present
Anne O’Gara	Deputy Chairperson	Present
Paul White	Ordinary Board Member	Present
Patricia Doherty	Ordinary Board Member	Present
Charles Watchorn	Ordinary Board Member	Present
Liam Irwin	Ordinary Board Member	Present
Avril McDermott	Ordinary Board Member	Present
Sean Holland	Ordinary Board Member	In Part
Sean Quigley	Ordinary Board Member	Present
Susan Bowman	Ordinary Board Member	Apologies received
Teresa McDonnell	Ordinary Board Member	Present
<b>Board Office:</b>		
Kay Keilthy	Board Secretary	Present
Emma Dodrill	Board Administrator	Present
<b>In Attendance:</b>		
Bernard Gloster	Chief Executive	In Part
Kate Duggan	National Director Services and Integration	In Part
Rosarii Mannion	National Director of People & Change	In Part
Pat Smyth	National Director of Finance & Corporate Services	In Part
Tom Finn	Solicitor, Office of Legal Services	In Part
Fiona McDonnell	National Service Director, Children Services Regulations	In Part
Maria Tobin	TESS National Manager	In Part
Roberta Mulligan	Head of Service Experience, Governance and Risk Systems	In Part
Paul Hayden*	National Head of Estates	In Part

\*Joined via Teams

Signed:  
 Chairperson

Date: 30<sup>th</sup> September 2022

## **1. Opening Remarks**

1.1 The Chair noted the presence of a quorum and duly convened the meeting.

## **2. Apologies**

2.1 S. Bowman's apologies were noted by the Board

## **3. Declarations of Interest**

3.1 No declarations of interest were made in relation to any of the agenda items before the Board for consideration.

## **4. Minutes of Previous Meeting (27/05/2022)**

4.1 The Board approved the minutes of the Board meeting held on 27 May 2022. Proposed by A. McDermott and Seconded by P. Doherty and agreed by the Board.

## **5. Action Log**

5.1 The Board noted the Action Log as of 22 July 2022. The Board requested that the overdue action in relation to the Agency's Temporary to Permanent Retention initiative should be removed from the Action Log as this item is being reported on through the Quarterly HR Reports.

## **6. Matters Arising**

6.1 None

## **7. Risk Management**

7.1 The Board will review the National Corporate Risk Register and the management of risks as comprehended in the CEO Report and the Executive Reports submitted for consideration under separate agenda items.

## **8. External Board Evaluation**

8.1 The Board approved the procurement of a suitably qualified third party to undertake an external evaluation of the Board in line with the Code of Practice for the Governance of State Bodies 2016. The Board noted that it was scheduled to undertake an external review in 2021, however, the external evaluation was postponed until 2022 due to the impact of the cyber-attack on the Agency's operating systems and the ongoing pandemic. The Board considered the scope, focus and timeline of the proposed evaluation and approved the commencement of the Request for Quote Process. Proposed by A. O'Gara, Seconded by A. McDermott and agreed by the Board.

## **9. Board Private Session**

9.1 The Board was advised that the CEO will be absent on leave from 22nd August 2022 returning on 12th September 2022. Approval was sought for the appointment of Kate Duggan, Director of Services and Integration as Acting Chief Executive in accordance with Section 29(3) Child Family Agency Act 2013.

9.2 The Board approved the appointment of Kate Duggan as Acting Chief Executive in the absence of the CEO for the period advised.

- 9.3 The Chair updated the Board on the Tusla People Strategy launch which took place in the Mansion House on 7 July and thanked Board members for their attendance.

*The CEO joined the meeting.*

- 9.4 The CEO, in private session, provided the Board with an update on an ongoing matter previously brought to the Board's attention.

## **10. SQC Chair Report on Committee Meeting of (21/06/2022)**

- 10.1 The Chair of the SQC updated the Board on the SQC meeting held on 21 June 2022. The SQC received a presentation by the Chairperson of the National Review Panel on its 2021 Annual Report. The Committee noted that whilst the findings of the report identified areas of excellent practice it also showed a number of service gaps particularly in relation to Tusla services and mental health provision. The Residential Manager presented a report on the outcome of the 2021 annual review of the assessment of the quality and safety of special care provided in Tusla's special care units in accordance with the regulatory requirement, 24 (d) of the Health Act 2007 (Care and Welfare of Children in Special Care Units) Regulation 2017. The Annual Review 2021 showed significant improvement in the quality and safety of the special care provided and this was reflected in the findings of Tusla's Practice Assurance and Service Monitoring Team audits.

## **11. ARC Chair Report on Committee meeting of (08/07/2022)**

- 11.1 The Chair of the ARC updated the Board on the ARC meeting held on 8 July 2022. A proposal by Tusla Estates to dispense with the role of the HSE Property Review Group (PRG) was brought to the attention of the Board. The ARC was unable to endorse the recommendation to dispense with the role of HSE PRG without further work being done to implement new procedures and to ensure that the reduction in expertise provided by the HSE PRG was replaced by alternative sufficiently robust and independent oversight. While the proposal is in line with the Agency's strategy of reducing dependence on the HSE, the Board agreed with the ARC's response, and was of the view Tusla Estates should stay aligned with the HSE PRG for the foreseeable future.

*S. Holland gave his apologies and left the meeting during the CEO Report.*

## **12. CEO Report**

- 12.1 The CEO reported on recent activity and significant items of note since the last Board meeting under the following headings:

- Structure & Agency Overall Reform
- Performance & Functions
- HR
- Services
- CEO Business
- Recruitment
- ICT Development

- 12.2 The Board was made aware of a HIQA report which was due to be published in relation to Dublin North City showing significant non-compliance.

- 12.3 The Board welcomed the complimentary comments on the work of the Agency included in the recent Circuit Court Law Reform Report and noted that the availability of Tusla placements was raised as a concern by the Courts.

## **13. AEARS/TESS Presentation following transfer of functions to the Department of Education**

*The National Services Director Children Services Regulator and the National Manager TESS joined the meeting.*

- 13.1 The Board received a presentation on Alternative Education & Assessment Service (AEARS) and Tusla Education Support Services (TESS). The presentation provided a review of AEARS and TESS Services including activity, statistics, performance and future priorities.
- 13.2 The Board questioned the Executive in relation to the impact of the transfer of functions, level of engagement with the DoE, and raised concerns about the lack of articulation of the strategic direction of both AEARS and TESS. The CEO advised that he had written to the Secretary General of the DoE as part of the Agency's engagement process. The engagement process with the DoE will be captured in the Agency's oversight agreement with the Department.

*The National Services Director Children Service Regulator and the National Manager TESS left the meeting.*

#### **14. Performance Activity Report (Integrated) Q1 2022**

- 14.1 The Board noted the Q1 2022 Performance Activity Report.

#### **15. National Corporate Risk Register (Q2 2022)**

*The Head of Service Experience, Governance and Risk Systems joined the meeting.*

- 15.1 The Board noted the National Corporate Risk Register for Q2 2022 and the main changes from the Q1 Report including the reduction of NCCR risks from 17 to 16 and the 6 revisions in relation to risk ratings.

*The Head of Service Experience, Governance and Risk Systems left the meeting.*

#### **16. Re-registration of Early Years (Overview of project)**

- 16.1 Covered in the CEO's Report.

#### **17. Public Tender Proposal for the Provision of Children's Residential Service for Separated Children Seeking International Protection**

- 17.1 The Board considered the proposal to run a public tender for the Provision of Children's Residential Services for separated children Seeking International Protection. The tender process will be managed by Tusla Procurement and Children's Residential Services. The Board requested that consideration is given to flexibility in the procurement process to ensure there is opportunity to meet potential future demand and also that consideration is given to the capacity of the NGO sector to provide placements.
- 17.2 The Board approved the request to run a public tender for the Provision of Children's Residential Services for separated children seeking international protection based on the proposal submitted by the Director of Services and Integration. Proposer A. O'Gara; Seconder P. Doherty.

#### **18. Foster Care Services Strategic Plan 2022-25**

- 18.1 The Board welcomed the draft Foster Care Services Strategic Plan 2022 -25 and agreed in principle on the direction of travel. The Board requested that the strategic plan be submitted to the SQC for a detailed review and resubmitted to the Board following consideration by the SQC.

#### **19. Emergency Bespoke Placements**

- 19.1 The Board welcomed the informative review of Emergency Bespoke Placements conducted during 16 – 22 May 2022. The Board discussed the findings of the review including contributory

factors, associated risks and actions being taken to mitigate the risks. The Board was assured that contracts and governance structures were in place in relation to the emergency placements. These continue to be strengthened to provide more robust governance. The Board noted the reactive nature of the service, the costs and accommodation challenges associated with emergency bespoke placements. The Board acknowledged that this was an area of risk for the Agency and would require an integrated interagency approach. The Director of Services and Integration advised the Board that the issues and challenges associated with emergency placements had been escalated to the Ombudsman for Children.

*The National Head of Estates joined the meeting.*

## **20. Short Term Leases of Residential Properties in Special Circumstances**

20.1 The Board considered a proposal submitted by the Director Finance & Corporate Services to a limited amendment to the Board's reserved function in relation to the acquisition of specific short-term leases of residential properties.

20.2 The Board approved to amend its reserved function in relation to the acquisition of properties to allow the Agency to enter into a lease for a residential property only without prior consent of the Board where the annualised lease value is below €50,000, the term of the lease is a maximum of one year and the acquisition of property is approved by Regional Chief Officer and Head of Tusla Estates. This amendment will apply up to 31 July 2023.

20.3 A report will be provided to the Board at each meeting with details of any such acquisition made in the preceding period. The leases entered into will be retrospectively approved by the Board. Proposed by C. Watchorn; Seconded by P. White.

### **21.1 Prospect Lodge, Shanakiel, Cork - Grant of Wayleave**

The Board approved the recommendation to grant a wayleave in favour of Irish Water in relation to Prospect Lodge based on the submission provided by the Head of Estates subject to the PRG's recommendation. Proposed by A. O'Gara; Seconded by L. Irwin.

### **21.2 Bridge Street, Bantry - Leasehold acquisition**

The Board approved the recommendation to enter a lease for property at Droumleigh South, Bantry, Co. Cork for the provision of services based on the submission provided by the Head of Estates, subject to the PRG's recommendation. Proposed by P. White; Seconded by C. Watchorn.

### **21.3 Leggettsrath Business Park, Dublin Road, Kilkenny - Leasehold acquisition**

The Board approved the recommendation to enter a lease agreement for property at Leggettsrath Business Park, Dublin Road, Kilkenny for the provision of office accommodation as an interim solution based on the submission provided by the Head of Estates and subject to the PRG's recommendation. Proposed by T. Donnell, Seconded by P. Doherty.

The Head of Estates agreed to revert to the Board with a long-term solution in relation to office accommodation in Kilkenny.

### **21.4 Cavan - Freehold acquisition**

The Board approved the recommendation to purchase a property in Co. Cavan as a childcare residence. Approval was based on the submission provided by the Head of Estates and was

subject to the PRG's' recommendation. Proposed by T. McDonnell, Seconded by C. Watchorn.

**21.5 Louth - Leasehold acquisition**

The Board approved the recommendation to enter a short-term lease in Co. Louth based on the submission provided by the Head of Estates, subject to PRG's recommendation. Proposed by A. O'Gara, Seconded by P. Doherty.

**21.6 Dublin 2 - Leasehold acquisition**

The Board approved the leasehold acquisition for the provision of service in Dublin South Central based on the submission provided by the Head of Estates. Proposed by A. O'Gara Seconded by C. Watchorn.

*The National Head of Estates left the meeting.*

**22. Business Plan (Q2 2022 Update)**

22.1 The Board noted the Business Plan Q2 2022 update.

**23. Estimates Submission (2023 Update)**

23.1 The Board noted the estimates submission for 2023 update

**24. Financial Performance Report (June)**

24.1 The Board noted the Financial Report for June 2022.

*The Director of Services and Integration gave her apologies and left the meeting.*

**25. HR Data Report (Q2 2022 Update)**

25.1 The Board noted the Q2 2022 HR Data update.

**26. AOB**

End.