

Board Meeting
9:30 am Wednesday, 31st May 2023
L4.03 and L4.04, Brunel Building, HSQ, Dublin.

Name	Title	Attendance
Board Members		
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	Apologies received
Sean Holland	Ordinary Board Member	Present
Sean Quigley	Ordinary Board Member	Present
Susan Bowman	Ordinary Board Member	Apologies received
Teresa McDonnell	Ordinary Board Member	Present
Board Office:		
Kay Keilthy	Board Secretary	Present
Emma Dodrill	Board Administrator	Present
In Attendance:		
Kate Duggan	I/Chief Executive Officer	In Part
Clare Murphy	I/National Director of Services & Integration	In Part
Pat Smyth	National Director Finance & Corporate Services	In Part
Rosarii Mannion	National Director People & Change	In Part
Anthony O’Leary	National Director Quality and Regulation	In Part
Fergus O’Cuanachain	Chief Information Officer	In Part
Anita Comerford	Head of Strategy & Business Planning	In Part
Pamela Benson*	Head of Legal Services	In Part

*Attended via Video Link

Signed: 

Date: 28 July 2023

1. Opening Remarks

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

2. Apologies

- 2.1 A. McDermott and S. Bowman's apologies were noted.

3. Declarations of Interest

- 3.1 No declarations of interests were made in relation to the agenda items before the meeting for consideration.

4. Minutes of Previous Meeting (27/04/2023)

- 4.1 The Board approved the minutes of the Board meeting held on 27 April 2023. Proposed by C. Watchorn, Seconded by L. Irwin and approved by the Board.

5. Action Log / Matters Arising

- 5.1 The Board noted the Action Log as of 10 May 2023.

5.2 Delegation of Acting Chief Executive

The Board in accordance with its Terms of Reference and Standing orders in relation to decisions made by the Board between meetings noted the decision of the Board to appointment Pat Smyth, as Acting CEO in the absence of the I/Chief Executive Officer during the following periods:

- Friday 12th to Monday 15th May 2023 inclusive
- Wednesday 24th May 2023.

In accordance with 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 approved the appointment of Pat Smyth, National Director of Finance and Corporate Services as acting Chief Executive in the absence of the CEO for the period Wednesday 21 June to Monday 26 June 2023. Proposed by L. Irwin; Seconded by C. Watchorn and approved by the Board.

5.3 Strategic Session Date

The Board agreed to schedule a strategic session to discuss the Agency's Corporate Plan 2024 – 2026 following the regular Board meeting on 29 September 2023.

6. Board Private Session

- 6.1 The Chair updated the Board on engagements attended since the last Board meeting. The Chair also advised the Board of recent correspondence received and provided a brief update on an ongoing issue previously brought to the attention of the Board.
- 6.2 The Board discussed the launch/distribution of the Annual Report for 2022 and agreed that a hard copy of the Annual Report should be provided to members of the Dáil and Seanad for information along with an appropriate covering letter. The Board also discussed the merit of using the publication of the Annual Report to enhance public understanding of the range and depth of the Agency's responsibilities in the future.

7. Risk Management

- 7.1 The Board considered risk as comprehended in the NCRR and the reports submitted for

consideration at the meeting.

8. SQC Chair Report on Committee Meeting of (25/05/2023)

- 8.1 The SQC Chair provided the Board with a report on the SQC meeting held on 25 May 2023.
- 8.2 The Chairperson of the Research and Ethics Committee (REC) presented on the REC Annual Report for 2022. The REC Annual Report showed an outline of the work undertaken by the Committee, the research projects approved, and highlighted issues around the quality of research applications. The SQC noted the significant work undertaken by the REC and the Chair of the SQC highlighted to the Board the voluntary nature of the membership of the REC. The SQC noted that the Tusla Research Office had not submitted any research applications and had requested a presentation from the Tusla Research Office on their role. The REC Chairperson advised the SQC that her three-year term of office was at an end in September and recruitment had commenced to find a replacement Chairperson. The Board expressed its thanks to Patricia Kennedy for her work as Chair of the REC over the last three years.
- 8.3 The Chairperson of the National Review Panel (NRP) presented the NRP Annual Report for 2022. The Report identified 24 deaths, the majority of which were from natural causes. The Report called out the issue of suicide amongst young men and the lack of services available particularly in relation to CAMHS and the need for greater alignment with processes in the HSE. Whilst Tusla has introduced therapeutic services the Chair of the NRP did not feel the services would be sufficient to address the issues. The NRP Chairperson also expressed frustration at the lack of progress in putting the NRP on a statutory footing.
- 8.4 The SQC reviewed the Performance Activity Report for Q1 2023 and noted a 13% increase in referrals on 2021 and the continued significant risk posed by Special Emergency Placements (SEA's). It was also noted that high risk cases are waiting a shorter period to be dealt with.
- 8.5 The SQC discussed the 500% increase in Separated Children Seeking International Protection (SCSIP) and the forthcoming HIQA Report in relation to SCSIP which will be highly critical of the Agency for non-compliance with its standard operation procedures (SOP'S). The SQC expressed the view that the operating procedures for Special Emergency Placements (SEA's) were not appropriate for Separated Children Seeking International Protection.
- 8.7 The Committee also discussed the potential risk posed by the creation of a pinch point at the "front door" particularly in the context of increasing referrals. The SQC was of the view that careful design of the "front door" and monitoring of clear metrics would be required to ensure that the benefits of a single "front door" for all requests for support, assistance and referrals would not be wiped out by ever increasing referrals.

9. ARC Chair Report on ARC meeting of (24/05/2023)

- 9.1 The Chair of the ARC provided the Board with a report on the ARC meeting held on 24 May 2023. The C&AG attended the meeting (without the executive) and provided a positive progress report on the audit, AFS and SIC for 2022. The C&AG also made special reference to the support and work of the Tusla Finance Team and the Director of Finance.
- 9.2 The Chair advised that there had been no changes to the AFS /SIC since the ARC meeting on the 24th. The Chair of Board thanked the Chair of the ARC and Committee members for their work in relation to the 2022 AFS and commended the work of the Finance Team and the Director of Finance in the preparation of same.
- 9.3 ARC noted Internal Audit was working well and requested the Head of IA to provide an assessment of performance against the Annual Audit Plan for the ARC July meeting. The ARC discussed the level of the non-compliance of smaller funded agencies and agreed to discuss the matter further with the HIA.
- 9.4 The Chair highlighted the improvement by the Agency in reporting to the State Claim's Agency

and the high standard now set for the Agency for 2023.

- 9.5 The Chair also highlighted the need for the Agency to develop a policy in relation to Artificial Intelligence.
- 9.6 The Chair of the ARC agreed to discuss the timing of the transfer of the GDPR /FOI Programme to the ARC with the Chair of the ODC.

10. ODC Chair Report to the Board on the ODC meeting held on (18/05/2023)

- 10.1 PD, on behalf of the Chair, advised the Board that the Committee had raised concerns in relation to the maturity level of Structure Part 2 and 2++. It was acknowledged by I/CEO that the programme was at a lower level of maturity than anticipated. While emphasizing that the reform programme is the top priority for Tusla the Committee also acknowledged the competing demands faced by the organisation. The ODC will report back to the Board following the submission by I/CEO of a more refined and integrated plan for consideration by the Committee at the July ODC meeting.
- 10.2 The ODC was of the view that as the substantial GDPR/FOI Programme infrastructure was now in place the Programme was now in steady state mode. The Committee requested that the reporting on the GDPR /FOI Programme should now be referred to the ARC for ongoing monitoring in line with the ARC's TOR's. The Board noted that the Chair of the ODC and the Chair of the ARC will meet to discuss the timing of same.
- 10.3 The Committee received a detailed Risk Management Review of ICT risks assigned to the ODC. Of the three ICT risks on the NCRR one is ready to be closed with the CIO progressing the addition of two new ICT risks.to the NCRR.

11. CEO Report

The I/CEO joined the meeting.

- 11.1 The I/CEO Report to the Board as of May 2023 was taken as read.
- 11.2 The I/CEO raised concerns in relation to the current level of risk associated with inadequate placement capacity with significant inadequate capacity to meet demand, and an increasing over reliance on the private sector particularly on high-cost unregulated Special Emergency Arrangements (SEA's).
- 11.3 The Board acknowledged the scale of the challenge facing the Agency expressing particular concern regarding the risks associated with SEA's and the findings of a recent inspection of Separated Children Seeking International Protection (SCSIP). The inspection found that the Agency had not ensured that the service performed its functions in line with relevant childcare legislation, policies, and standards.
- 11.4 The Board recognised that the Agency's strategic plans (Foster Care, Residential Care and Aftercare) are delivering incremental service improvements, but the scale of the challenge remains, and external factors such as global movement, housing crisis and challenging workforce supply are significantly impacting on the overall effects of the Agency's efforts.
- 11.5 Both the Community and Voluntary and Private Sector have indicated that they are unwilling to engage in relation to additional capacity until an increase of funding is applied. The Board noted that the Agency has submitted a business case to the Department to allow for additional funding to be applied.
- 11.6 The Board was of the view that a review of standards /model of care in the context of today's challenges should be explored with a view to ensuring that the Agency can better meet the needs of the children and young people who find themselves in the care of the Agency. The Board agreed to invite the Secretary General of the Department to meet with the Board to outline their concerns and discuss in more detail how best to support children particularly in relation to SCSIP.

12. National Corporate Risk Register (Q1 2023)

The I/National Director of Services & Integration; the National Director of Finance & Corporate

Services; the National Director Quality & Regulation; the National Director of People & Change and the Chief Information Officer joined the meeting.

- 12.1 The Board noted the National Corporate Risk Register (Q1 2023) as reviewed by the ARC. The National Director of Quality & Regulation highlighted the risks associated with SEA's and SCSIP and previously reported on by the SQC and ARC.

13. Tusla Wide Data Report

- 13.1 The Board noted the Tusla Wide Data Report as a work in progress and that the development of TCM with analytics capabilities will act as a key enabler to provide an integrated view of each service where meaningful operational, financial and HR data will be presented side by side.

14. Business Plan (Q1 2023) Update

The Head of Strategy Planning Unit, Transformation and Policy joined the meeting.

- 14.1 The Head of Strategy Planning Unit, Transformation and Policy presented the Business Plan Q1 2023 update. The Board noted that 3 business plan actions were off track.

15. Corporate Plan 2024 - 2026 (Update)

- 15.1 The Board noted the corporate Plan 2024 – 26 update and advised the Executive that the Board had agreed to schedule a special session at its September meeting to discuss strategy.

16. Annual Report (Draft) 2022

- 16.1 The Board adopted the Annual Report in relation to the performance of the Agency's functions during 2022 in accordance with section 13 of the Child and Family Agency Act 2013. Proposed by L. Irwin, Seconded by P. White and approved by the Board.

The Head of Strategy Planning Unit, Transformation and Policy left the meeting.

17. Annual Financial Statement (AFS); Statement of Internal Control (SIC) & GS 2022

- 17.1 The Board approved the GS/SIC/AFS for 2022 as recommended by the ARC subject to any further changes requested by the C&AG to be agreed by the Chair of the ARC and the Chair of the Board. Proposed by P. White; Seconded by C. Watchorn and approved by the Board.

18. Finance Performance Report (April)

- 18.1 The Director of Finance and Corporate Services presented the Finance Performance Report as of April 2023. The Board noted the Agency is dealing with very significant service demands in 2023 which are continuing to cause upward pressure on expenditure. The lack of available residential placements means that there is a huge reliance on high-cost SEA's to provide accommodation. As the vast majority of the Agency's expenditure is on demand led arrangements for vulnerable children and families, it will not be possible to reduce expenditure in 2023 to meet the budget allocated without adversely impacting on services.

19. Bank Account Closure

- 19.1 Following the successful migration of banking facilities to Danske Bank in Q1 2023, the Board formally approved the closure of the Agency's Ulster Bank and Bank of Ireland accounts as identified in the Board paper submitted by the Director of Finance and Corporate Services. The proposed date for closure of the Ulster Bank Accounts is on or after 25th June 2023 but no later than 30th June. Date of closure of Bank of Ireland to be agreed however this will be actioned in the coming months. Proposed by T. McDonnell, Seconded by C. Watchorn and approved by the Board.

20. HR Monthly Employment Data Report

- 20. The Director of People & Change presented the HR Monthly Data Report. The Board noted the summary analysis of the Tusla HR Workforce Data. The Board requested the paper on the

Targeted Sponsorship Scheme to come to the Board.

21. Delegation Framework of Authority

- 21.1 The Board approved the Agency's revised Delegation Framework of Authority as recommended by the ARC. Proposed by C. Watchorn, Seconded by L. Irwin and approved by the Board.

22. Hickson Commission

The Head of Legal Services joined the meeting.

- 22.1 The Board noted the update report in relation to the Hickson Commission.

23. Legal Tender (Specialised lot to deal with the increase in separated minors matters)

- 23.1 The Head of Legal Services presented a paper requesting board approval to tender for a further lot (being lot 23) for specialised legal services for separated minors due to the significant increase in this area of work. This will be a standalone lot dealing only with this specialised area of work.

- 23.2 The Board approved to tender for a further lot (lot 23) for specialised legal services for separated minors in accordance with the paper submitted by the Head of Legal to the Board for consideration. Proposed by P. Doherty Seconded by P. White and approved by the Board.

- 23.3 The Board noted this was an additional cost for the Agency as a direct consequence of the increase in the number of SCSIP.

The Head of Legal Services left the meeting.

24. AOB

- 24.1 None

End.