

Board Meeting
9:30 am Friday, 29 September 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	Present
Sean Holland	Ordinary Board Member	Present
Sean Quigley	Ordinary Board Member	Present
Susan Bowman	Ordinary Board Member	Present
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
Rosarii Mannion	National Director People & Change	In Part
Anthony O'Leary	National Director Quality and Regulation	In Part
Eoin Sheridan	General Manager, Management Accounting	In Part
Anita Comerford	Head of Strategy and Business Planning	In Part
Mark Yalloway	Director of Residential Services	In Part
Sharon Gallagher*	Procurement Manager	In Part
Tony O'Gorman	National Manager for Health and Safety	In Part
Roberta Mulligan	Head of Services Experience, Governance and Risk Systems	In Part

*Attended via Video Link

Signed:

Pat Rabbitte

Date: 3 November 2023

1. Opening Remarks

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

2. Apologies

- 2.1 None.

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 at the meeting.

4. Minutes of Previous Meetings (28/07/23 & 21/09/23)

- 4.1 The Board approved the minutes of the Board meeting held on 28 July. Proposed by L. Irwin; Seconded by P. Doherty and approved by the Board.
- 4.2 The Board approved the minutes of the Board meeting held on 21 September 2023. Proposed by A. O’Gara; Seconded by C. Watchorn and approved by the Board.

5. Action Log/Matters Arising

- 5.1 The Board noted the Action Log as of 26 September 2023.

6. Risk Management

- 6.1 The Board considered risk as comprehended in the reports submitted for consideration at the meeting.

7. Board Only Session

- 7.1 The Chair updated the Board on the Ministerial meeting that was held on 11 September 2023.
- 7.2 The Board noted the Chair and members of the ARC attended the official opening of Tusla’s new offices on St Joseph’s Campus in Limerick city which coincided with an ARC meeting on 22 September 2023.
- 7.3 The Chair advised the Board that he had invited Judge Simms to attend a Board meeting when available.
- 7.4 The Chair welcomed the reappointment by the Minister of Anne O’Gara to the Board for a further four-year term in office.

8. CEO Delegation

- 8.1 The Board agreed to designate an Agency panel, to act as Acting Chief Executive Officer to perform the functions of the Chief Executive Officer, under Section 29 of the Child and Family Agency Act, 2013, where the Chief Executive Officer is absent, or the position of the Chief Executive Officer is vacant. The Board agreed to review the panel upon the appointment of a National Director of Services and Integration. The Panel agreed:
- Pat Smyth, National Director of Finance and Corporate Services
 - Anthony O’Leary, National Director of Quality and Risk
 - Rosarii Mannion, National Director of People and Change

- Fergus Ó Cuanacháin, Chief Information Officer.

Proposed by A. McDermott; Seconded by C. Watchorn and approved by the Board.

- 8.2 The Board agreed in accordance with Section 29(3) of the Child and Family Agency Act 2013, to delegate the CEO functions to Pat Smyth, National Director of Finance and Corporate Services from 12 to 25 October inclusive. Proposed by S. Bowman; Seconded by C. Watchorn and approved by the Board.

9. SQC Chair Report on Committee Meeting of (14/09/23)

- 9.1 The Chair of the SQC updated the Board on the SQC's discussion on the standard house specifications for Children Residential Services (CRS). It was noted that rapidly increasing construction costs have resulted in costlier refurbishments costs than anticipated however are still less expensive than a purpose-built residential unit. The SQC recommended to the Board that the Executive engage with the regulator concerning whether building standard regulations, might in certain cases, be reviewed.
- 9.2 The SQC recommended that the proposal in respect of procuring a Data Protection Officer (DPO) for the National Review Panel (NRP) be referred to the Board.
- 9.3 The Chair of the SQC advised the Board that they deferred their review of the business case for a targeted sponsorship social work scheme until the SQC meeting today. Following the meeting with the Chief Social Worker and the National Director for People and Change the SQC still felt unable to make a decision on the information supplied and further requested a detailed business case covering retention, supply and systemic actions to enhance the skill mix within the Agency in the context of integrated teams.

10. ARC Chair Report on Committee meeting of (22/09/23)

- 10.1 The Chair of the ARC updated the Board on discussions with the Head of Internal Audit. The ARC considered a paper submitted by the HIA in relation to culture audits on the 2024 workplan. The Chair of the ARC brought this matter to the attention for the Board for further discussion. The Board agreed that the ARC was correct to seek to have the matter further explored with the HIA.
- 10.2 The ARC under AOB had received a verbal update in relation to the procurement request of a NRP DPO. In the circumstances, the Board determined not to seek procurement of the NRP DPO. Proposed by L. Irwin; Seconded by P. Doherty and approved by the Board.
- 10.3 The Chair of the ARC informed the Board that the Committee was scheduled to receive a presentation from the Director of Corporate Services at its 8 December 2023 meeting.

11. Procurement request for tender of Legal Services Lot Galway/Roscommon

- 11.1 The Board agreed to take item 14 Procurement request for Tender of Legal Services Lot 12 Galway / Roscommon as recommend for approval by the ARC as part of a consent agenda. There being no objections, the Board agreed to re-tender for Lot 12 Galway / Roscommon. Proposed by C. Watchorn; Seconded by L Irwin and approved by the Board.

12 Procurement award of Legal Services for Separated Minors seeking International Protection

- 12.1 The Board agreed to take item 15 procurement award of legal services for separated minors seeking international protection as recommended for approval by the ARC as part of a consent agenda.

There being no objections, the Board agreed to enter into a 12-month contract with the preferred tenderer for Lot 23 Separated Children seeking International Protection. Proposed by S. Bowman; Seconded by P. Doherty and approved by the Board.

13. Property Acquisitions and Disposals (Estates)

13.1 The Board agreed to take item 19 Property Acquisitions and Disposals (Estates) as recommended by the ARC as part of a consent agenda.

13.1.1 The Board approved the recommendation to renew a lease on a property in Dublin 1, as recommended by the ARC and based on the information provided by the National Head of Estates for consideration at the meeting.

13.1.2 The Board approved the recommendation to enter into a lease for office accommodation in Swords Dublin, as recommended by the ARC and based on the information provided by the National Head of Estates for consideration at the meeting.

13.1.3 The Board approved the recommendation to enter into a lease for office accommodation in Dublin 2, as recommended by the ARC, and based on the information provided by the National Head of Estates for consideration at the meeting.

13.1.4 The Board approved the proposed award of main works contract, as recommended by the ARC, to the successful tenderer, for a CRS property in Cork subject to the approval of the Minister for Children, Equality, Disability, Integration and Youth.

13.1.5 The Board approved the recommendation to enter into a lease for office accommodation in Roscommon, as recommended by the ARC, and based on the information provided by the National Head of Estates for consideration at the meeting.

13.1.6 The Board approved the recommendation to purchase a property for CRS in Limerick, as recommended by the ARC, and based on the information provided by the National Head of Estates for consideration at the meeting.

13.1.7 The Board approved the recommendation to purchase a property for CRS in Laois, as recommended by the ARC, and based on the information provided by the National Head of Estates for consideration at the meeting.

Proposed by C. Watchorn; Seconded by L. Irwin and approved by the Board.

14. CEO Report

The Chief Executive Officer joined the meeting.

14.1 The Board congratulated Kate Duggan on her appointment as Chief Executive Officer and wished her every success in her role.

14.2 The Board noted the CEO Report as of 25 September 2023. The Board noted the concerns of the CEO at the current level of risk associated with the increased demand for Special Emergency Arrangements (SEA). The CEO assured the Board that the crisis management team were making every effort to mitigate the risks involved.

14.3 The Board noted two roundtable sessions with key stakeholders to explore changes to the Separated Children Seeking Internal Protection (SCSIP) services had been scheduled and a comprehensive

update will be available at the next Board meeting.

- 14.4 Following discussions in private session, the Board requested the CEO to review the Agency's future approach to property acquisitions. The Board suggested a picture of the total landscape of need should be reviewed and engagement with the regulator to examine building standard regulations.
- 14.5 The Board requested data on the number of FOIs for the preceding month to be included in the CEO Report.
- 14.6 The Board requested an update paper on the National Research Office focusing on the implementation of commissioned research.

15. Reform Programme Update

- 15.1 The Board noted that the CEO will further explore the regional operational model.

16. Corporate Plan 2024 - 2026 (Engagement Process)

The National Director of People & Change; National Director of Quality & Risk; I/National Director of Service & Integration; General Manager for Management Accounting and Head of Strategy and Business Planning joined the meeting.

- 16.1 The Board discussed the letter from Minister O'Gorman concerning the Performance Statement 2024-26 that was circulated to members earlier in the day. The CEO provided a verbal update in relation to the Corporate Plan 2024-26. The CEO advised a draft of the plan would be available the first week of November. The Board agreed to review in detail the Corporate Plan 2024-26 in November when the plan is at draft stage. The Board agreed to reschedule the date of the next Board meeting from late October to early November.

17. Business Plan Progress Report (Q2 2023)

- 17.1 The Board noted the update on the implementation of Business Plan 2023. The report provided specific focus on those action, activity measures and targets which had been assessed off targets at the end of quarter two 2023.

The Head of Strategy and Business Planning left the meeting.

18. Financial Performance Report (YTD)

- 18.1 The Board noted the Financial Performance Report YTD August 2023. The Board noted that the Agency continued to deal with very significant and increasing demand on services in 2023 which continue to cause upward pressure on expenditure.
- 18.2 The Board noted since the new Integrated Financial Management System (IFMS) went live in July there had been a number of significant issues. As work to rectify the issues were prioritised other areas had been delayed. The Executive assured the Board that they had mitigated the issue as much as possible by adapting existing reporting functionality to generate reports.

19. Estimates 2024

- 19.1 The Board complimented the thorough and comprehensive Estimates 2024 paper. The Board noted the operating environment informing the development of the Estimates for 2024 is a particularly challenging one for the Agency, with a number of incontrovertible issues to be addressed such as increase in demand and increased complexity in the need of children that require care; reduction in the supply of residential care and the increase in costs associated with the provision of care and recruitment and retention of social workers and social care workers. The

Executive continue to work closely with department colleagues to prioritise initiatives for funding for 2024.

20. Sustaining Private Residential Services

The National Director of Residential Services and Procurement Manager joined the meeting.

- 20.1 The Board noted the external market pressures for the provision of accommodation services in the State and the Agency's continued engagement with the Voluntary and Community Sector providers to develop plans and funding for a more sustainable model of care.
- 20.2 The Board approved the immediate implementation to increase the existing rates for private residential care service providers to sustain existing service provision of residential care until the new procurement is completed as recommended by the ARC. Proposed by C. Watchorn; Seconded S. Bowman and approved by the Board.

The National Director of Residential Services and Procurement Manager left the meeting.

21. HR Monthly Data Report (YTD)

- 21.1 The Director of People and Change reported on the HR Data Report as of 31 July 2023. The Board noted the ongoing work in the recruitment and retention of staff. The Director of People and Change highlighted the increase in absenteeism and assured the Board that initiatives regarding absenteeism would be a focus in Q4.

22. Performance Activity Report Q2 2023

- 22.1 The Board took the Performance Activity Report Q2 2023 as read. The Board noted the report had been reviewed by the SQC and ARC. The Board noted the ongoing increase in referrals.
- 22.2 The Board requested some statistics on outcomes for children and young people.
- 22.3 The Deputy Chair suggested the Board invite the Minister of Education to meet with the Board to discuss a number of items including the background legislation around the Education Welfare Act, the School Completion Programme and DEIS Schools.

23. Health & Safety Update

The National Manager for Health and Safety joined the meeting.

- 23.1 The National Manager for Health and Safety provided a presentation to the Board that outlined the programme of work, performance indicators, current risk on the NCRR, additional risks on the Health and Safety Department Risk Register, highlighted priority health and safety policies and summarised programme assumptions and dependencies.
- 23.2 The National Manager brought to the attention of the Board the high incident rates of violence, harassment and aggression (VHA) to staff.
- 23.3 The Board noted the increase of incidents reported to the Health and Safety Authority year to date in 2023 compared to the previous year.
- 23.4 The Board noted the Policy Development and Operational Guidance – Violence, Harassment and Aggression and Policy Update and Operational Guidance - Lone Working for Tusla Employees were launched in Q2 2023.
- 23.5 The Board noted a weekly report is produced and circulated to the EMT.

The National Manager for Health and Safety left the meeting.

24. NCRR Q2 2023

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

- 24.1 The Board noted the NCRR Q2 2023 Report which was reviewed by the ARC on the 22 September 2023.

25. Enterprise Risk Appetite Statement (Annual Review)

- 25.1 The Board approved the revised Enterprise Risk Appetite as recommended by the ARC. Proposed by P. White; Seconded by A. McDermott and approved by the Board.

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

26. Procurement request for tender of DPO for NRP

- 26.1 The Board informed the Executive of their decision made in private session in relation to the proposal to progress a standard procurement process to resource the NRP with a DPO.

27. Procurement award of ICT related contracts

- 27.1 The Board approved the proposed award of contract, to the successful tenderer, following an open competition carried out in connection with the tender for services of a specialised information / cyber security partner to provide expert advice and supporting services in delivering the organisation's Information Security Programme. The Board approved the five-year contract for a total potential maximum value of €2.5 million (ex VAT). Proposed by A. McDermott; Seconded by S. Bowman and approved by the Board.

- 27.2 The Board approved the proposed award of contract for a maximum of four years, to the successful tenderer, following an open competition carried out in connection with the tender for services for a contracted partner to provide service team resources. The Board approved the increase of drawdown figures from nine to a maximum of 12 resources should the need arise. Proposed by A. McDermott; Seconded by S. Bowman and approved by the Board.

- 27.3 The Board approved the proposed award of contract for a maximum of three years, to the successful tenderer, following an open competition carried out in connection with the tender for a contracted partner to provide data team resources on drawdown as required. The Board noted the drawdown figure of maximum eight resources had reduced to a maximum of six resources should the need arise during the tender process. Proposed by A. McDermott; Seconded by S. Bowman and approved by the Board.

28. AOB

- 28.1 The Board agreed to cancel their meeting planned for 20 October and reschedule the meeting to Friday 3 November 2023 in Galway.

End.