



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

CHILD AND FAMILY AGENCY		
MINUTES OF BOARD MEETING HELD ON 25 JANUARY 2019 at 10.30am		
BRUNEL BUILDING, HEUSTON SOUTH QUARTER, DUBLIN 8		
Present	Pat Rabbitte	Chair
Present	Anne O'Gara	Deputy Chair
Present	Rory O'Ferrall	Board Member
Present	Liam Irwin	Board Member
Present	Deirdre Kiely	Board Member
Present	Teresa Kilmartin	Board Member
Present	Avril McDermott	Board Member
Present	Paul White	Board Member
Present	Sean Holland	Board Member

In Attendance	Pat Smyth Jim Gibson Eoin Sheridan Brian Lee Colette Walsh Cormac Quinlan Pamela Benson Kay Keilthy Emma Dodrill	Interim Chief Executive Chief Operations Officer Acting Director of Finance Director of Quality Assurance Director of HR Director of Policy & Transformation. Head of Legal Services Board Secretary Board Administrator
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SIGNED: _____

Pat Rabbitte

DATE: 22/02/2019

CHAIRPERSON

Board Only

The Chair of the ODRS Committee updated the Board on the CEO recruitment campaign. A Business Case was submitted to the Department of Public Expenditure and Reform (D/Per) seeking an amendment to the terms and conditions attaching to the role of CEO. D/Per advised that they would not consider any changes to the CEO's terms and conditions currently. The role of the CEO will be advertised on the 8th of March 2019 through the Public Appointments Service. The Board expressed concern at the delay in advertising the post. The Chair of the ODRS Committee and the Director of HR will meet with PAS next week to discuss the procurement of an Executive Search service as part of the recruitment campaign.

The Board noted the meeting with the Minister, Chairperson and Chairs of the Sub-Committees scheduled for the 28th January 2019. The meeting is the first of four scheduled for 2019. The Board will discuss governance arrangements with the Department as part its review of the Agency's Oversight Agreement for 2019.

The meeting noted the draft Board Work Plan for 2019.

The Board discussed its workload and that of the four sub- committees in the context of the current Board composition. The meeting requested a change to the Agency's founding legislation to allow an increase in the number of ordinary Board members from 9 to 11. The Chair agreed to discuss Board membership with the Minister and to review the span and structure of the Board's sub-committees

1.0 Apologies

None

1.2 Declarations of Interest

None

1.3 Minutes of the 17th December 2018

The Minutes of the 17 December 2018 were considered and approved by the Board subject to an agreed amendment to paragraph 5.-"Workforce Strategy" requested by A. McDermott.

2.0 ICEO Board Report

2.1 The ICEO presented his Board meeting report as at 25 January 2019.

2.2 The Board noted the correspondence from the Charleton Tribunal's Solicitors to Tusla's Solicitors stating that the Tribunal's comments concerning cooperation was in relation to individuals and that there was no evidence or indication that the Agency directed individuals not to cooperate with the Tribunal. The Charleton Tribunal's Solicitors also noted the Agency's decision not to seek costs from the Tribunal. The Board requested that a copy of the letter issue to the DCYA for information.

AO1219 Action: ICEO to draft letter for Chair's signature

- 2.2 The Board agreed that Agenda Items 3, 4, 5 of the CEO Report will be discussed when the SMT join the meeting.
- 2.3 The Board expressed concern that a complaint, which had been referred to the Office of the Ombudsman, had been investigated by Tusla on the basis of incomplete information. The Board noted that the ICEO was scheduled to meet with the Ombudsman to discuss the matter and that Tusla will reinvestigate the complaint.
- 2.4 The ICEO, COO, PSW and relevant members of the local fostering team will meet with the Ombudsman for Children in relation to the recommendations identified in the 'Molly Report'.
- 2.5 The Data Protection Commission has sought information in respect of 72 breaches which have been reported to them. Redacted
Redacted A detailed Data Protection presentation will be made to the Board at the February Board meeting. The Board noted the Agency's lack of sufficient resources in relation to Data Protection and the implementation of GDPR.
- 2.6 The Board noted the issuing of the Midlands Review Report under FOI to Clare Daly. The Chair of the Special Inquiries Committee advised the meeting that the Minister had requested and received a copy of the report under section 15 of the CFA Act 2013.
- 2.7 The Board noted the correspondence received from the appointed liquidator of the St. Patrick's Guild Society. The Board requested the ICEO to write formally to the Liquidator to advise that claims may be forthcoming.

AO2219 Action: ICEO to write to Liquidator

- 2.9 The ICEO informed the Board that the Agency has been invited to attend the Joint Committee on Children and Youth Affairs on the 13th of February 2019 to discuss recruitment and retention of social workers. The Board noted the challenges faced by the Agency in recruiting social workers with only 240/260 graduates coming on stream each year. The Board discussed the engagement with Higher Education Institutions to provide new educational routes into social work, trainee schemes, focussed care workers and the use of social work placements as leverage with Universities to increase number of social work college placements. The Chair undertook to raise the matter with the Minister.

AO3219Action: Chair to raise matter with the Minister

- 2.10 The Board discussed the proposed 2019 Oversight Agreement between the DCYA and Tusla. The Board was of the view that the 2019 Oversight Agreement should be discussed at the Board Effectiveness Review Workshop on the 8th of February and reviewed by the Governance Committee prior to coming to the Board for final approval. Board members were asked to feed back any comments on the Oversight Agreement to the Governance Committee.

SMT joined the meeting.

The Chair welcomed the SMT to the Board meeting. In a brief statement, the Chair, commented on a number of challenges facing the Agency and stated he was looking forward to working with the Board to resolve them. The Chair recommended the appointment of a spokesperson for the Agency to create and communicate a positive narrative about the Agency. The Board supported the idea of appointing a spokesperson and agreed to discuss the matter further.

- 2.11 The Chief Operations Officer reported on the HIQA inspection findings in Dublin South Central (DSC) and the actions taken in response to the findings. The Board expressed concern at the level of major non-compliance identified in the HIQA report and noted the actions taken in relation to governance and oversight. The COO will provide the Board with a progress report on DSC in May 2019. The COO advised that Carlow/Kilkenny/South Tipperary was an area of concern and was currently being reviewed by HIQA

AO4219 Action: COO to provide DSC Progress Report at May Board meeting

3 Budget 2019

- 3.1 The Interim Director of Finance reported on Budget 2019. The Business Plan submitted to DCYA shows a potential overspend for 2019. The Budget 2019 provided the Board with an indicative allocation of the budget and the implications for cost containment in 2019. The Board discussed the cost containment initiatives and inherent risks. The Board raised concerns about the Agency's ability to achieve the proposed non-pay cost containment measures in 2019. One of the options proposed to offset the increase in Private Placements costs was the transfer of disability placement under the Joint Protocol of Inter-Agency Collaboration between the HSE and Tusla. However only the engagement of the Department and the Minister will ensure the effective delivery of this protocol. The Board requested updates on the Cost Containment measures be provided to the Board on a monthly basis.

4. Business Plan 2019

- 4.1 The Director of Transformation and Policy updated the Board on the finalisation of the Business Plan 2019 (a copy of the revised Business Plan was distributed at the meeting). On the 17th January the Minister wrote to the Chair providing observations on the Business Plan requesting amendments and a final updated Business Plan and Strategic Workforce Strategy by the 28th January 2019. All minor amendments to the Business Plan were made and any alignment issues were addressed in the context of the HIQA Report and Tusla's Strategic Action Plan.
- 4.2 Actions in respect of unallocated cases were outlined in the Business Plan including the development and implementation of a new system for prioritising of cases awaiting allocation based on risk and case/support needs.
- 4.3 The Board discussed the effectiveness of the MOU Strategic Agreement between Tusla and the HSE. The MOU broadly provides for support with regard to H & S and

FOI, however, the MOU contains no reference to the provision of support for either data protection or parliamentary affairs. The Board was of the view that the outsourcing of compliance to these statutory functions to the HSE was not consistent with effective corporate governance arrangements. The Board would prefer Tusla to be in a position to develop the internal capacity to manage and control compliance with its statutory functions.

The Business Plan 2019 was approved by the Board for submission to the Minister. The meeting noted the concerns by Board members regarding the short time frame provided to review papers. The Board discussed the observations and comments outlined in the Minister's letter of the 17th January. The Chairperson will respond to the specific observations made by the Minister following the Board meeting.

A05219 Action: Chair to issue letter to Minister in response to her letter of 17 January.

5. **Quarterly Business Plan Update**

The Director of Transformation and Policy reported on the implementation of the Business Plan 2018 Q4 and detailed the progress made on all actions due in 2018. Tusla's Business Plan 2018: Q4 Progress Summary was distributed at the meeting. The meeting noted the concerns raised by Board members about the lateness of receiving the final version of the Q4 2018 report. The Q4 report identified 95 objectives and actions which were delayed, 9 of which were deemed to be at risk with 86 actions delayed but deemed to be in progress. The Board questioned the impact of the delayed actions in 2019 and asked for the 86 delayed actions to be shown separately in order to track and monitor completion.

6. **Update on Legal Costs and Contract Extensions**

6.1 In 2017 the Agency sought tenders for Member Firms nationally to undertake child care matters and education welfare matters before the District Court along with a Corporate Lawyer and an Employment Lawyer. The Head of Legal Services reported on Year 1 Legal costs savings following a procurement process undertaken in 2017. The Board queried if the cost savings had resulted in any diminution in the quality of legal services being provided. The Head of Legal advised the Board that service user feedback had been positive. The Board congratulated the Head of Legal on the cost savings and efficiencies achieved to date

6.2 Board approval was sought for the extension of the contacts with Tusla's legal service providers for a further two years. The extension of the contracts for a further two years was allowed for under the legal service providers contract and was compliant with procurement rules. The Board approved the extension of the contacts with the legal service providers for a further two years as permitted by the contracts and tender competition.

P. Benson left the meeting

7. **HIQA Action Update**

- 7.1 The Director of Quality Assurance and Risk reported on the progress against the HIQA Action Plan and the SMT engagement with the EAG. The Board noted the requirement to develop a Performance Management Development System (PMDS) was discussed at the December EAG meeting. The SMT approved the development of a Performance Management System and discussions have already commenced with the trade unions. The Board noted the status report as of the 18th January. The SMT will meet with the EAG on Friday the 1st February. The focus of the meeting will be on Governance.

8. **Quality Assurance**

- 8.1 The Board noted the National Performance and Activity Dashboard for November 2018.
- 8.2 Chief Risk Officer Report was taken as read
- 8.3 The Corporate Risk Register was taken as read.
- 8.4 Signs of Safety Baseline Audit Report was noted by the Board following a brief discussion.

9.0 **Workforce Strategy – Implementation Plan 2019**

- 9.1 The Director of HR reported on the changes made to the Strategic Model for Workforce Planning and set out the implementation plan for 2019. The Board again raised concerns regarding the magnitude of staff recruitment targets and timelines in the context of limited graduate availability, retention challenges, organisational structure and budget pressures. The Director of HR agreed to distil figures further and was working with the COO on the design and size of the multi-disciplinary teams. The draft Strategic Model for Workforce Planning will require further consideration from the Executive and the Board before being formally submitted to the DCYA.

S. Holland, A. MCDermott, T. Kilmartin, P. White left the meeting

- 10.0 The Board noted the HR integrated Report for December 2018 showing a decrease in the absenteeism rate.

11. **Financial Outturn**

- 11.1 The Interim Director of Finance reported on the Financial Outturn as at December 2018. The outturn for the period year to date is an overspend of €6.794 million against budget. The on-going demand led issues which cause the Agency to overrun include expenditure on Children with Disabilities due to move to HSE care, IRPP Programme and GAL legal costs.
- 11.2 The Board noted that savings will be required in 2019 if the Agency is to remain within budget. Strict financial governance will be required during 2019. The Board requested close monitoring of budget with monthly updates to be provided. Tusla

will engage with the Department in relation to any cost containment measures which may have an impact on service provision.

- 11.3 The Board requested a breakdown of agency staff and the cost to the Agency. The ICEO will provide a paper for the February Board meeting.

AO6 219 Action: ICEO to provide breakdown of Agency staff.

- 11.4 The Board noted the disposal of assets carried out in 2018 by the ICT Directorate and the Finance Directorate. The Board questioned if Tusla can make an insurance claim in relation to the 2017 Hyundai car struck by another vehicle and deemed beyond repair.

SMT left the meeting.

12 AOB

- 12.1 The Director of HR provided a brief update on the CEO recruitment Campaign.
- 12.2 The Board noted the Chair of the Governance Committee will act as the Contract Manager in relation to the procurement contract for the additional support to support the induction of the CEO.
- 12.3 In line with Tusla's ICT strategy 2017 - 2019, ICT have implemented a two factor authentication on all Tusla sites. The Board noted the introduction by Tusla ICT of the additional security measures in order to access the Board Portal.