**GTCNI ARAC MEETING**

**18 NOVEMBER 2020**

**BY WEBEX**

**Present:** P O’Doherty (Chair), J Wilkinson (JW), R Beggs (RB), D Baxter (DB), A Andrews (AA), S Parlour (SP), G Cameron (GC), T Salmon (TS)

**In attendance**: S Gallaher (CEO), G Devlin (SEO), S Gondhia (TFA), L Dickson (PA), A Boyd (AB, DE), T McCavigan (TMcC, DE), C Shaw (CS,DE), G Fair (GF, DE), A Allen (AA, NIAO)

**1. Welcome and Apologies**

The Chair indicated that GC would be late and the CEO gave apologies for the Finance & Contracts Manager.

**2. Declarations of Interest**

There were no Declarations of Interest.

**3. Minutes of previous meeting**

Members went through the minutes of meeting of 23rd September 2020 for matters of accuracy.

TMcC advised of changes to p.10 and p.11. Happy to email changes to LD.

Members discussed the length of the minutes and it was agreed minutes should summarise discussion, decisions, and conclusions reached with non-identification of members unless specified. The length of time for minutes to reach the Committee was also discussed and the turnaround between Committee and Council meetings. DE members highlighted the correct process through normal governance. The Chair advised that important decisions and discussions should be bought to Council as they need awareness of the recommendations coming from the Committee. It was decided that the minutes should be a precis and summary and drafts are to be circulated as quickly as possible. This would be put into operation for the next meeting. Members were content with this decision.

Proposed: JW

Seconded: AA

**4. Matters Arising**

An enquiry was raised about the election of the Chair and it was noted that this would be dealt with under Item 6. A question was raised about the voting rights and length of service of the independent member of ARAC. The CEO acknowledged that it would be timely for the Committee to consider a replacement but had approved the continuing participation of the present member to date and that this member has previously participated in voting. DE added that there should be an annual review of skills of Council Members and this would determine if there was a need for an independent member and appointment should be deferred until this is complete. The CEO added that parameters would need to be agreed for the independent member. The Chair advised that a recruitment process is underway for Ministerial appointments to a number of public bodies including the 3 nominees to GTCNI. Hopefully these would be appointed in the New Year. It was noted that the Council Annual Effectiveness Review is to be on the agenda for the next Council meeting.

The SEO was asked if he had any input into the report which was presented to the Committee at the last meeting The SEO advised he was not involved. The Chair asked for this could be discussed at Item 6 on agenda.

**Anti-Fraud, Bribery and Whistleblowing** ARAC-20-18-P01

Members were informed that details were covered in the report and there were no reports of Fraud or Bribery. The NIPSA survey is being addressed by the HR Committee. A member highlighted whistleblowing, indicating that the Council had not received sight of the DE report and requested External Audit to advise what is protected under the legislation.

The DE member explained the whistleblowing process and indicated that the findings were with the Permanent Secretary and that outcome letters had been provided to all involved. She informed members that she could speak no further on this matter. RB voiced his concerns that serious whistleblowing allegations made about GTCNI and handed to the Permanent Secretary to deal with interferes with the independence of GTCNI and asked for this to be noted.

1. **Internal Audit - Preliminary Investigation Report for ARAC 26th June 2020**

ARAC-20-18-P02 (AC/20/17/P07b)

The Chair asked for guidance on discussion and was informed that it was not appropriate to discuss the data breach. A member enquired if this was in the public domain and was informed that it had not been published. It was indicated that the matter should be taken ‘*In Committee*’ and asked if the Chair had approved the report to be shared. The CEO advised that the document had been passed to him by the Chair for the attention of ARAC and had been circulated to members some time ago. That the agenda for this meeting had been developed with the Chair. RB asked that it be noted that he was concerned that this was a matter to be discussed at the meeting. DE advised that this should be discussed *‘In Committee’* without the presence of Officers at the end of the meeting.

1. **Review of Corporate Risk Register Q3 & Action Plan**

ARAC-20-18-P03 ARAC-20-18-P04

CEO asked members if they wish to go through the Corporate Risk Register risk by risk or the Action Plan. The Chair advised to look at the key risks on the Action Plan Update.

Members discussed the registered risks and the residual risk ratings. A member said he objected strongly to the risk ratings being moved unless with supporting evidence. The CEO advised he was happy to make whatever changes the Committee considered. That the residual rating reflected the expected outcome following planned actions.

CEO took members through update starting with Risk 1 and advised the Corporate Plan was still to be approved by DE.

Risk 2. The Chair asked members for comments.

Members asked if the HR Action Plan had been reviewed and were advised that matters were progressing. The CEO was asked if the staffing business case had been presented to F&GP and were advised that not as yet the Council was operating in challenging circumstances and making the best progress possible. A member noted that staff had cited they were unhappy with the HR providers. Members discussed what the residual rating should be and RB indicated that he thought the risk rating should be raised to 20. The Chair asked if members wished the risk to remain at 12. No other concerns were raised and RB said he was happy to go with the Committee.

Members discussed Risk 3 on Business Continuity and were advised that work on the registration system was ongoing and that the risk has not been reduced as the project was not complete.

At Risk 4 Action is ongoing. The CEO was asked how many FOIs were presently in progress and advised that there was one at present. DE enquired if the risk scoring was based on planned actions or actions taken and explained how ratings should be calculated. The CEO and TMcC are to discuss this. RB indicated that he thought it was not appropriate for discussion to be taken outside of the Committee. The CEO said he was happy to take members views and recirculate the Register with amendment. Members indicated that they would recommend discussion between the CEO and TMcC.

Action - CEO

A member questioned the timing of the ARAC as it appears to be the last committee meeting before the Council meeting as ARAC may wish to give guidance to other Committees, They were advised that the timing of the meeting gave the opportunity for other Committees to advise ARAC of any issues they identify as risk.

*12.19 Meeting paused*

The Independent member indicated that the Committee accepted that risk levels are higher than would be preferred. The CEO added that regarding a risk workshop for Council the option of holding a series of smaller virtual workshops given present circumstances was considered but scheduling these around other priorities is challenging at present. Members indicated that workshops or extra meetings would be beneficial as the Committee needed to be mindful of risk opinion. CEO is to give this further consideration.

Action - CEO

Concerning Risk 5 Regulation. Members were informed the discussion had taken place with legal advisors on revision to the case screening process in light of the McKee ruling. A paper outlining the rationale and proposed changes is to go to Council at its next meeting. Members discussed if Risk 5 should specifically recognise a safeguarding risk to children. This will be considered. Members discussed safeguarding issues and reputational risk and the Chair emphasised that fundamentally new legislation was required.

At Risk 6 the CEO indicated that the Council was operating in position of flat-lining income and highlighted the increased pension liability. Members discussed training for the F&GP Committee and were advised that one session had been completed with 3 more to follow. Members asked that this be referenced in the action plan.

Action- CEO

Risk 8 Registration System Repair Project – members were updated on progress. Evaluation work on a revised solution for reporting functionality was presently ongoing.

Risk 9 Registration System Project – members were updated on progress. Monthly meetings of the Project Board had resumed, a market testing exercise was complete, the business case for this investment was being finalised and evaluation of 22 responses to tender for project management services was underway.

Risk 10 HR. The CEO provided members with an update of ongoing work. Members were advised that presently considerable time was being taken up on HR matters relating to Tribunals. Progressing a revised staff structure had been effected by this.

The CEO is to amend risk scoring, speak to TMcC and recirculate register.

Members asked if Brexit would pose any significant risk to the registration process. The CEO advised that the situation relating to the end of the Transition Period remained fluid was being monitored. That it was GTCNI intention to process applications from EU citizens as per the current process for “rest of world” applicants. The current process for applications from Republic of Ireland would need reviewing to determine if any change was necessary. A meeting has been scheduled with DE to discuss relevant matters including the proposed UK Internal Market Bill.

The PRRC had been informed that there were areas which were being monitored. The SEO provided more detail and RB voiced his concerns regarding fitness to teach. The SEO is to write a paper for Council outlining the process legislation and the Council’s powers. Members discussed the vetting of staff members and the SEO said he would take advice on this.

Action - SEO

**5. Internal Audit Progress Report**  ARAC-20-18-P06

Paper 6 was taken at this stage. Members were advised of progress and that there were no significant issues to report. .

**4. Internal Audit Progress Report on outstanding recommendations**  ARAC-20-18-P05

The CEO updated members advised that most have been completed. TMcC will validate on any progress made. Members were content.

**6. POD Paper for ARAC Governance and the Chair and Vice-Chair**  ARAC-20-18-P07

The CEO advised that this was the Chair’s paper. The Chair clarified points raised in the paper and said this is an item for Council to look at, including its governance arrangements, the role of Chair and Vice Chair and Council members. He summarised the 4 proposals included. He advised that the Chair of Council had sent objections to the Minister, Permanent Secretary and NIAO as he felt this paper came from the Committee rather than the Chair of ARAC. The Chair was bringing this paper to the meeting for clarification. SP expressed her disappointment that it was put forward as being from the ARAC and there was involvement from the CEO which should not have happened. The Chair indicated that the CEO had formatted the paper. SP said she had seen two drafts of the paper since the Council meeting and found it very disturbing. RB said that the Chair of ARAC had misled Council, items in the report were not discussed at ARAC and that the Chair of ARAC and the CEO had been asked that both documents were issued to members. He quoted the Nolan principles and voiced his serious concerns. DE said that this is a Council matter. TS suggested noting and moving on to next item.

Proposed: TS

Seconded: JW

RB asked for an amendment to take a vote of no confidence in the Chair of ARAC. He proposed that members do not end this discussion and take a vote of no confidence as there were principles involved.

Proposed: RB

Seconded: SP

The vote was taken by a show of hands.

2 For

3 Against

The amendment was defeated.

A vote was taken for TS proposal to move on.

3 For

2 Against

The vote was carried to move to the next item.

RB indicated that the Report identifies specific items and asked what was anticipated to do with the report. Members moved to next item.

**7. Feedback on NIAO Audit 19/20 Accounts**  Verbal Update

AA NIAO advised that audit was ongoing and that working remotely had not impacted on the timetable. The RTWWG should be ready prior to Christmas with reporting back to ARAC in Feb and then on to Council. The Chair thanked AA NIAO

**8. Direct Award Contracts**  ARAC-20-18-P08

The CEO reported that there were no new DACs and only one in place with MillarTech to 2022.

**9. Registration Systems Project Report** ARAC-20-18-P09

Provided for Information. The CEO said that there would be an evaluation meeting tomorrow and hoped the project management tender process would be complete by end of December that discussions with GTCS were ongoing and stressed the importance of the that work between now and Apr 21 as being key. The Chair said he was pleased with progress and thanked staff for their hard work.

**10. AOB**

RB asked TS that at what stage did he propose a vote of no confidence in the Chair and Vice-Chair of Council. TS indicated that this question/assertion was unfortunate.

He indicated that he had not, at any stage, proposed a vote of no confidence in the chair or vice chair. Further he had never attended any meeting which considered the issue. To the best of his knowledge he had never met in person either of the post-holders.

The ARAC meeting ended at 13.41 and then went on to *‘In Committee’.*