**MEETING OF THE ARA COMMITTEE**

**HELD ON 25 FEBRUARY 2021**

**AT 10.30 BY ZOOM**

**Present:** P O’Doherty (Chair), R Beggs (RB), S Parlour (SP), A Andrews (AA), T Salmon (TS), D Baxter (DB) pm

**In attendance**: S Gallaher (CEO), M Matthews (F&CM), S Gondhia (TFA), L Dickson (PA), A Allen (AAllen) NIAO, T McCavigan (IA), C Shaw (IA), G Fair (GF) DE, A Boyd (AB) DE.

**Apologies:** J Wilkinson (JW),

The Chair sent best wishes to D Baxter who had been feeling unwell today.

**Declaration of Interest**

There were no Declarations of Interest. The Chair reminded members that these could be declared at any stage of the meeting.

**Minutes of the last meeting**

After typographical amendments were made to the Minutes of the last meeting they were agreed as a correct record. Amendments to be made to designation of TMcC and CS.

Proposed: TS

Seconded: AA

**Matters Arising**

RB discussed the timeframe for the circulation of minutes and the CEO advised that it is aimed to get these out as quickly as possible, usually within 7 to 10 days.

RB enquired if a draft of the ‘*In Committee’* minutes could be circulated. The Chair apologized that this had not been done. Members were advised that the report on the preliminary investigation had been accepted and recommendations made. The Chair quoted from the recommendation from Internal Audit which had been accepted by the committee and should be adopted by Council. “It is therefore recommended that GTCNI consider their access controls to protect data to ensure they are fit for purpose and allow access to only those who require it. If not already done so, staff should be reminded of their responsibilities and obligations under GDPR regarding the protection of information including unauthorised sharing of information.”

At point 4 RB advised that the Committee should seek legal advice on the Independent Member as he indicated the composition of ARAC was outside the organisation’s rules and said this had been highlighted in the outgoing Permanent Secretary’s letter. He indicated that an independent member should not sit after 6 years and proposed that the Committee seek legal advice on the legitimacy of this committee and its decisions. SP was in agreement. The CEO indicated he was happy to seek legal advice and TS had recognized how long he had served on the Committee. RB indicated his respect for TS. The Chair asked if all were content that the CEO sought legal advice. All were in agreement.

TMcC indicated that skill sets are to be taken into account for all Committees. The CEO advised that this had been taken into account. The CEO is to send a template round to each Committee regarding assessment of skills and gaps on each Committee. Members were content.

RB raised concerns over Page 2 on Anti-Fraud and Bribery but the Chair said this was an agenda item and would RB be content to raise it then. RB was in agreement.

SP enquired why the report on breaches of Standing Orders had not been brought to the Committee under whistleblowing. The Chair advised this would be dealt with under the Agenda Item and asked if SP was content. SP noted her concern that she had difficulty with the way things were going at Council at present and has issues with communications from the Chair, issues with other committees and terms of reference. She asked for a vote of no confidence in the Chair of ARAC. The Chair advised that the Committee were still under Matters Arising.

RB shared his concerns and asked why ARAC was always the last Committee before Council. He enquired if the Chair of ARAC had spoken to the Chair and Vice-Chair of Council to discuss issues from this Committee. The Chair indicated that issues are brought by officers. RB highlighted that it was the responsibility of the ARAC Chair to communicate with the Chair of Council and asked if the Chair had fulfilled his obligation to forward any issues to the Chair of Council from previous meetings.

The Chair asked SP if she was proposing a vote of no confidence. SP indicated that was her intention and RB seconded the proposal.

The Chair said he had received no communication from the Chairs of the sub-committees or the Chair or Council. RB asked under a point of order if the Chair had banned communications from the Chair and Vice-Chair of Council. The Chair informed that the Chair of Council has complete access to pass on information to him. RB enquired this was through staff members and what would happen if the concern was about a staff member? This would be inappropriate to raise through another staff member.

A vote was taken with a show of hands on no confidence in the Chair

2 For

2 Against

The Motion was defeated.

RB enquired under a point of order if the Chair would not have to declare an interest in the vote. The Chair said no.

At Para 2 the CEO said he had re-circulated the register with amendments which had been reviewed. Comments had been received from TMcC. No other comment had been received.

At Page 3 para 5. RB questioned if the action for the CEO to start workshops had begun. The CEO said that the Risk Workshop for Council is under consideration. Appropriate formats are being explored. RB reiterated the need for training and the CEO said that risks had been discussed at each Committee and that he was happy to facilitate work around risks. RB discussed the need for more frequent meetings and the CEO said he was happy to facilitate and would discuss with the Chair of ARAC. The Chair said that the Committee could call meetings as needed. A core set of meetings has been set out and there is a need to facilitate teacher meetings and to give notice to schools to release teachers. The training element for Risk may need additional meetings.

TMcC advised that the group service could provide training if this was helpful to members. The CEO advised that TMcC had notified of training in March and details had been circulated to members. The PA confirmed that one person had notified her that they would be attending.

RB asked that it be noted that the committee needed to make decisions and 3 months had passed and no training had been given. The CEO noted that circumstances are difficult at present. RB enquired if any follow up training had been given to the F&GP Committee. Members were advised that 2 sessions had taken place and an email would be sent out with further proposed dates, hopefully to take place before the end of March.

RB enquired about the cost of repairs to the Registration System. The CEO advised that this would be approx. £140,000 using capital of £80,000. Work is ongoing and costs are in line with the Business Case. The CEO clarified that that was for repairs and said he was happy to email out costs to members. RB asked for a breakdown in costs as it was unfair to people not knowledgeable in accounts. The Chair advised this would be dealt with under item 7. The CEO advised that the Business Case had been finalized.

At Page 4 RB asked how many tribunals are ongoing that potentially place GTCNI at risk including time spent on these. The CEO indicated there are presently 3 industrial tribunal complaints being addressed. One was resolved and withdrawn in December 20 and one received recently. He indicated that time spent on these is considerable and direction was being taken from legal advisors.

RB asked for reassurance on the running of the organization and asked if the CEO needed assistance and if overburdened. The CEO stated that the impact of tribunals s significant at present. RB indicated this should appear in the Risk Register. The CEO advised that this is not a specific risk and that time has been dominated by HR issues and HR is down as a risk. RB indicated that if the CEO’s time is taken up preparing documents then this has to be highlighted to Council and other work would take a back step. The Chair said the HR Committee should be asked to look at this, the overall issues and effect on staff to see how business can be managed.

RB enquired about a member of staff who did not have his contract renewed and the CEO advised that this was not an appropriate conversation for this Committee. GF agreed. The CEO indicated it was misleading for a member of this Committee to refer to industrial tribunals. RB said he had been advised that other work had been set aside and questioned why this individual was let go when the organization was so busy. The Chair indicated that this risk could be brought to the HR Committee as there are issues this Committee is not privy to.

At Para 4 RB said that the CEO was to write a paper on the Council’s powers and asked if this had been done. The CEO advised this was presented for the December meeting but not discussed.

At Item 6, Page 4 RB asked if the Chair agreed that this would be a breach of the Nolan Rules. RB said that they had been told there was no interference and asked if the Chair believed there were a breach of the Nolan principles. The Chair said he did not believe there had and that he had acted in an honest and trustworthy way. SP added that this is an important matter and did not think that behavior was acceptable. She asked if the Registrar’s participation in the preparation of the paper would be a political action. She added that what RB was saying was that the paper was put forward in the name of the ARA Committee. GF asked if this was an appropriate forum to discuss this matter. RB said that this paper was produced in the name of the ARA Committee. The Chair said he would like to bring this discussion to a close.

RB said he proposed that the action of the Chair of ARAC in advising that the Registrar had not edited his report and the subsequent email trail between the 2 men that the Chair had agreed to changes and had included a vote of no confidence in the Chair of Council. The Chair asked RB what was the Motion. RB indicated that the Chair had acted outside the Nolan Principles and misled Council and the report was falsely titled to come from the ARA Committee. The Chair asked for a seconder. The CEO added that this had been discussed in Council and the outcome was not conclusive. It is still with Council and the meeting should move on. RB said that the CEO had a conflict of interest and that he (RB) was allowed to speak to the Motion. SP seconded this. GF asked for clarification.

RB outlined the process, saying that an attempt was made to provide a document for Council. The paper was titled Report from ARAC and sent from the Chair of ARAC to the Registrar. The Registrar edited it and sent it back titled Report from ARAC and included a vote of no confidence in the Chair of Council. The Chair of ARAC had been asked if the Registrar edited the Report and he had said no. The Report shared with a Council member showed clear editing. The Chair of ARAC said he accepted the changes.

The CEO said he thought this was misleading and that RB spoke about this at the last Council meeting at length.. The matter is with Council and will be brought up again. He reiterated that he made no changes to the report or title. RB indicated that he had a copy of the two documents. GF said there was a determination to drag this out and waste time and there is no value in pursuing this further. SP indicated that this had been shut down twice. GF indicated the discussion will have been noted. SP added that she had written to the Perm Sec and GF advised that this was not the forum to discuss this matter. The Chair asked if a motion could be put forward and RB asked for clarification and the Chair said he could not as it was extremely long.

RB Proposed a vote of No Confidence in the Chair in that the Chair of ARAC acted outside the Nolan Rules and the report was produced falsely in the name of the Committee. Seconded by SP.

2 in favour

3 against

The Motion was defeated.

Under Page 5 –AOB. RB read TS’s statement and then said TS had just voted against. He proposed TS had acted outside the Nolan Principles. The Chair said he disagreed with this and advised that Matters Arising was concluded. He asked for any other matters and there were none.

Anti-Fraud, Bribery and Whistleblowing

The F&CM advised this was a standard declaration and had no notifications since the last meeting of ARAC.

RB said that he had a complaint regarding a report produced in the name of ARAC and given to the Chair which had not been shared with the Committee and asked when they would receive it. The CEO and Chair asked for clarification and GF asked if this was to do with an agenda item. RB indicated it was a draft investigative report regarding complaints made and was given to the Chair of ARAC regarding a complaint re formulation of Motions. The Chair said he had ruled that 2 motions could not go forward as there were problems with notification and thought this had been discussed previously. He said he did not think there was a report to be presented but if RB got the report he would check correspondence from the Chair of Council and will circulate. RB indicated that Council was told that the reports would be forwarded to the Chair of ARAC and they would need to record the outcome and move forward. The Chair asked TMcC for a response.

TMcC indicated that in the *In Committee* section it had been explained that the outcomes of the report had been shared with the Chair of Council and that had been provided.

RB outlined the whistleblowing process if a person brings a complaint to the Department and that the PS would have shared either sections or the complete report with the Chair of Council and he was concerned aspects of the report had not been shared. AB indicated that the report was Confidential and had not been shared and he understood it would not be shared but each individual involved would be informed of the outcomes and remedial actions needed. RB thanked AB and indicated that if the report was not shared the Council cannot get out of special measures. AB advised that this was only one factor within special measures.

RB said that the Council are still not aware why they are in special measures and was concerned about the whistleblowing procedures within the organization. He indicated his belief that the report should be given to the Chair of ARAC. The Chair noted concerns.

RB asked about the procedure in dealing with whistleblowing. The CEO said he would presume they would be dealt with the Chair of Council in consultation with the Chair of Audit. He said he surmised that complaints about GTCNI were sent to DE. RB asked for confirmation that there were no complaints since the last meeting and the CEO said he was unaware of any. The CEO said that at the minute there were no complaints outstanding other than the Information Commissioners office. RB enquired if this would be covered in the agenda, but the CEO advised this was not an appropriate forum. RB said that if there were changes to reporting then they should be brought to this Committee.

TMcC clarified that there is a difference between complaints and whistleblowing. Ongoing investigations or complaints would be dealt with a high level. RB added his concerns that complaints could be coming in and are not being brought to the attention of Council and this is a significant risk. GF advised that whistleblowing complaints could be confidential and probably would not be discussed. RB added that effectiveness can be reviewed by the number received and that statistics would provide oversight. TMcC highlighted that the Council needs to decide going forward and each Committee should agree processes.

RB proposed to make a recommendation to Council that the report is included in the Council papers. A Allen indicated that there is a Complaints procedure within the Council and can be updated if appropriate.

**1. Internal Audit Update Report** ARAC-21-19-02

TMcC highlighted the audit plan which commenced in December and said that the draft report for recommendations is close to being issued. She referred members to Annex 1 and advised there were no significant issues. The 21/22 Audit Plan is being considered and it is the intention to present the draft plan at the next ARAC. She indicated the unacceptable opinion received. RB queried how Council would get out of the unacceptable opinion. TMcC advised that the BCP needed the plan to be endorsed, tested and implemented and indicated there had been some progress but needs fully improved. RB highlighted the considerable risk and said that attention should be spent on this.

The CEO indicated this has been an outstanding recommendation and there is a plan to go to Council when testing schedule is done. RB asked for a plan of action and the CEO said the report had just been received and it is being worked through as a priority. RB indicated that this is an ongoing problem and an action plan was needed. He was concerned about an unacceptable opinion on information security. TMcC highlighted there were a number of recommendations made in the previous report and these have not been progressed enough to date and the overall opinion has been presented to ARAC previously. The CEO advised that the Project Initiation Document has been agreed and requires a dedicated resource to take this on. The Publication Scheme has been drafted and will go to Council. All staff will need to be involved and it would also take a DPO role up to 2 years. The Chair agreed with RB and TMcC on important issues and asked if there would be merit to reflect these in the Business plan and timescale so they could be monitored.

The CEO said the work stream had been identified in the Business Plan and had been on the agenda for the F&GP Committee but time did not permit discussion. There is a view to discuss at the next Council meeting. The Chair thanked TMcC.

**2. Corporate Risk AC Plan Update**  ARAC-21-19-03

The CEO advised this had been circulated to members and updated them on registration and regulation, GAR Meetings, Staff Hand book, Tender for Project Management Services and development of ITT documents. He advised that risks remain high or critical because of the present situation.

The Chair highlighted the risks of falling behind timetable on the registration system and had discussed this with GF. The CEO advised that there is a risk we will not be in a position to disengage from the current contract. He highlighted delays with the procurement of the project manager and the business case being delayed. GF indicated that the funding aspect is not negotiable. The CEO discussed the process of submitting he business case and advised that the Council needs to take a view. GF added that any letter does not state that funding is available. The Chair said it would be sensible to recommend that the Business Case goes forward in conjunction with parallel discussions. RB enquired if the Committee had seen the business case and the CEO said that F&GP had and also had a presentation by BCS. A presentation to Council will take place and the business case can be circulated to members to see.

Members discussed the progress of the Business Case and the Chair proposed that it could reduce the risk to Council to proceed with the Business Case and asked if the Committee was content. RB disagreed and said that the Committee had not seen the business case. The Chair reiterated his recommendation and said that if the business case meets the scrutiny of FGP and Council it could be submitted. RB said the risk should be raised to Council that this has not been approved and said that it was previously agreed that a sub-committee would be set up to oversee.

TS said that he was fully in accord with GF comments. SP indicated she would like to see the Business Case. GF stated that it was not in the remit of ARAC to see and that F&GP were overseeing it. RB said that it had been agreed to set up another committee. The CEO indicated the work of the Registration Systems Project Board and said he had no problems with ARAC seeing the business case. AA indicated the need to get approval and move along the normal route. GF highlighted the normal route taken by a business case.

**3. Review of Corporate Risk Register Q3**  ARAC-21-19-04

The CEO advised this had been circulated and TMcC comments taken on board and said that the overall scoring and risks remain major or critical. He indicated the registration system risk should reduce when complete. The HR Committee are to follow up on the NIPSA Survey.

RB enquired if Child Safeguarding had been included and the CEO said this would come under Regulation Risk. Members discussed regulation and RB expressed his concern about reputational damage and said the Education Committee had agreed to call GTCNI to account and said it should be brought to Council as a risk. RB also indicated that the function of council should be flagged up as a risk. The Chair said this would be best raised at the Council meeting. The CEO added this had been discussed at the GAR meeting and there could possibly be a special meeting of Council. RB said this needs to be included in the register. The CEO said that the Register would be reviewed at the end of the financial year but was content that at the minute the risks were well reflected. RB enquired if Special Measures were included. The CEO indicated this would be covered by governance. GF added that when the action plan had been complete it should be highlighted.

12.50 - Members took a short break. TS left the meeting. DB joined the meeting.

4**. IA Previous Recommendations** ARAC-21-19-05

The F&CM updated members with the numbers of risks and said the biggest impediment is resourcing issues within the Council. TMcC said that the remaining management assessments of recommendations will be reported at the next meeting. RB asked if this would be reported back to Council and said they should know about the unacceptable audit report. The Chair advised the report could be included with the minutes of the meeting to allow discussion at Council. The CEO said the CRR would also be included.

The F&CM advised that the CRR and Action Plan were normally brought to Council if they had received a limited or unacceptable rating.

**5. Feedback on NIAO Audit 2019/20** Verbal Update

AA advised that the 19/20 audit is almost complete and will issue when ready. Sound Problem. The report has been drafted and will be ready for the next ARAC. The Chair thanked AA.

**6. Direct Award Contracts** ARAC-21-19-06

The F&CM advised there was no change and there was one DAC with Millar Technology Limited which extends to 31.3.2022 and the risks have already been highlighted. Members were content.

**7. Registration Systems Project Report** ARAC-21-19-07

The CEO advised the update was provided in the papers and highlighted the work carried out by GTCS and said when this was complete testing would be done and then move to go live. RB queried the expenditure of £800,000 and asked if this was over 7 years. The CEO said this was expected to be over the life of the system and did not envisage any more than that.

RB queried that if DE don’t pay where the money would come from and the CEO gave details of capital and reserves and said the matter would go to Council. RB asked what the role of the Committee is, if it does not question things. The Chair advised that each Committee has its jurisdiction and are bound by existing Council policy. The CEO discussed the risks to funding and advised that liabilities exceed reserves which are under pressure because of the pension liability. GF highlighted that this issue has come up regularly because of NDPB status. There is no issue regarding budget cover but the organization has to use the cash available. This is nonnegotiable and he emphasized it was important to separate the two issues. RB that it was noted that the committee would have to consider at some stage that the only source of income is from teachers. The Committee is not presented with figures and does not know if the organization is in financial difficulties or not and this is a failing of the Committee. The Chair said he did not want them presented as this would be nugatory work as it would be 2 committees doing the same work. RB added that it is the job of this Committee to scrutinize decisions and they don’t have the figures to do this.

**8. Draft Business Plan 2020/21** ARAC-21-19-08

The CEO advised that this had been discussed with other Committees re work streams which affect them and advised of the need to align these with the Corporate Plan objectives. He stressed that some things are predicated on other things happening and some would not start until the second half of the year. He added that a Communications infrastructure needs to be put in place. He said he would feed comments to Council.

RB asked for clarification on outcomes on objectives and the CEO said this relates to the summary paper.

The Chair asked about the timing issue and enquired about the Employee Performance Scheme, and the appointment of staff to some vacant positions, asking if it was appropriate to go ahead at the end of the second quarter and asked if this would detract from the appraisal process. The CEO advised that this has been outstanding and he would like to implement as much as possible. He indicated there would be a review in 6 months’ time. RB enquired about the progression of obtaining a Communications Officer. The CEO said he was still to progress the business case and would move through but would like to have this appointment by the second half of the year.

RB enquired about the impact of VES and the CEO informed that staff had left and the structure was predicated on it. Not all applications had been accepted and there was no plan for further redundancies. RB acknowledged that it was a huge undertaking. The Chair added that there was a need to be careful not to take too much on and this should be monitored. The CEO asked members for email feedback on prioritization or removal of items. AA enquired why there was no information on priorities 1-6 and the CEO explained that the template was set out by DE and he would remove the blank boxes. AA also enquired about points 8 and 7 given the impact of Covid on teacher training does it raise any challenges in terms of registration. The CEO indicated that the SEO is on a working group with the Department on this and said it needs to be kept under review. AA added her concern about a deficit in student learning and teachers may not be properly trained. The CEO advised this had been discussed with GTCS and EWC who both have responsibility for teacher placements. SP indicated that her students were doing well and did not think there would be a deficit of skills. AA highlighted problems with online learning for primary teachers and said secondary schools may be different. SP agreed that it was contextual. The Chair requested that the SEO could share with PRRC how teacher training has been impacted and any support needed. AB said the group had been going since March 2020 and was working with HEIs. The HEIs are aware they have to stand over the quality of their awards and had received reports back from the HEIs saying they have had no problems and all placements are on track.

DB referred to the competences and said there may be ways of extending the remit of the competences but he had heard of no problems and everything had been very positive. The Chair asked the CEO to pass on details of the discussion to the SEO.

**9.** **Independent Review of Council** ARAC-21-19-09

This paper was provided for information

**10. AOB**

RB indicated Point 9 and the paper that was included with this included a letter from Brendan Morgan. He noted that this included information which was sensitive to Mr Morgan and asked what the thought process behind this was in making it available. The Chair indicated he was the one who wanted members to see the background of the review.

SP asked to see the initial communication. The Chair said that all papers should be shared. SP added she would like to see what this was in response to and said it raised alarm bells. The CEO indicated that the Chair circulated the letter to every member of Council and it was also circulated in the papers for the last Council meeting. Some members had already raised the points re the correspondence that gave rise to the paper. RB indicated that the Chair had made the decision to give the letter to members of ARAC and this was not in his remit. Also Mr Morgan’s personal email details had been disclosed to members and DE employees. He indicated this undermined the decision making process of the Council and all Council members had received this and there was no need to publish this letter. He said this was done to undermine the Chair of Council.

RB proposed a vote of no confidence in the Chair of ARAC as RB said he was undermining the validity of the Committee.

A seconder was asked for and SP seconded. The Chair said this was a vote of no confidence for the second time.

3 for

2 against

The Motion was carried.

RB reminded the Chair that he had yet to appoint a Vice-Chair. The Chair said that was for the Committee to do and RB asked that it be added to the agenda for the next meeting.

The Chair thanked members.

**Date of Next meeting**

Tuesday 4 May.

The meeting ended at 14.05