



Board Meeting

Date	17 March 2022
Time	10.00
Location	IMA Board Room, Swansea Civic Centre / Microsoft Teams
Present Attendees	Sir Ashley Fox, Chairman Ronnie Alexander, Non-Executive Member Joyce Cullen, Non-Executive Member Marcus Killick, Non-Executive Member Leo O'Reilly, Non-Executive Member Kate Chamberlain, Chief Executive (Executive Member) Andrew Bagley, Director of Governance and Corporate Services (Executive Member) Pam Everett, Director of Operational Delivery (Executive Member)
Virtual Attendees	Punam Birly, Non-Executive Member
Apologies	n/a
Additional attendees	Rhys Davies, General Counsel (Advisor – all items) Helen Jenkins, Senior Governance Manager (Secretariat – all items) Gillon Benoy, Corporate Change Manager (Item 11) Anna Meredith, Head of Strategy and Communications (Item 13 - virtual)

1. Welcome, Minutes & Actions

- 1.0. The Chairman welcomed everyone to the meeting.
- 2.0. No apologies were received.

- 3.0. The latest Register of Interests was shared with papers for the meeting. No further interests were declared relating to items on today's agenda. The Register of Interests is available on the IMA website.

2. Previous Minutes and Actions

- 4.0. Minutes from the previous meeting (16 December 2021) were approved.
- 5.0. Actions were reviewed, updated and closed where relevant.

3. Chairman's Report

- 6.0. The Chairman provided an update on his recent activities noting a very positive meeting with the EU Ambassador to the UK in Swansea who seemed content with the work we are undertaking.
- 7.0. Embassy engagement continues with meetings held with the following since our last board meeting: Luxembourg, Czech Republic, Sweden, Iceland, Austria and Lichtenstein (via Switzerland), Malta, Norway, Estonia and Croatia. We have now met with 26 of a possible 30 embassies to date.
- 8.0. The Chairman highlighted that one of his duties was to review the IMA's committee membership and propose changes to the board. As the IMA board had been in place for just one year he proposed to continue with the current membership for 2022 and would review the position in December. Board members agreed this approach.

Action: Secretariat to commission Committee Review November 2022.

4. Feedback from Board Committees

- 9.0. Each of the Committee Chairs provided a brief overview of recent discussions at committee meetings held since the last board meeting. Updates supported the written summaries circulated with meeting papers.
- 9.1. The Chair of the HR and Remuneration Committee noted recent discussion on the ways of working policy post Covid-19 and the change of focus for future meetings in order to take a 'deep dive' into particular subjects going forward. The committee felt this would be a more productive use of its time and help them to understand focus, progress and issues more clearly.
- 9.2. The Chair of the Audit Committee noted the committee had received an update on progress against this year's Internal Audit plan and highlighted that the four GIAA reports this year had received two substantial and two moderate audit opinions. Although the audit on the complaints system received a substantial opinion, the Committee noted the technical limitations of the current system could expose the organisation to greater risk in the future if there was a significant increase in complaints i.e. – the system may struggle. The National Audit Office provided an update re. future audit plans for the first Annual Report and Accounts and will focus on reassuring the Committee and senior management that appropriate systems and controls are in place and operating effectively.

- 9.3. The Chair of the Delivery and Impact Committee noted four main topics of discussion at the latest Committee meeting. Corporate performance, inquiries update, risks to delivery and 2022/23 annual plan. The Committee noted some slippage of the current annual plan e.g. due to reintroduction of covid-19 restrictions over the winter but accepted reasoning behind progress. The Committee noted the progress of current inquiry work and in particular the pilot scheme to contact all 22 local authorities in Wales regarding how they have responded to EUSS applications for looked after children.

Action: PE to provide update on response from LAs in Wales and next steps on the pilot exercise.

5. Chief Executive's Report

- 10.0. Kate Chamberlain (KC) invited Pam Everett (PE) to present an overview of two recent complaints received relating to residency and coordination of social security and how these have been handled and progressed.
- 11.0. The board queried the data being collated behind complaints relating to border issues to be able to track trends and locations in case of particular issues. PE confirmed we are liaising with the Home Office (HO) regarding required travel documentation and the HO recently wrote to carriers re. travel guidance and information. We are monitoring this data and will use it to communicate with particular carriers or airports/ports if patterns emerge requiring us to do so.
- 12.0. KC proceeded to provide an update of operational activities since the last board meeting including the submission of the Annual Plan 2022/23 and the launch of this year's Annual Survey. KC also highlighted the planning and development that is currently going into the next phase of operational delivery i.e. what are the likely issues to be once teething issues with systems etc have been resolved. We note there will be two groups of EU citizens in future - those with and without protected rights so issues will affect individuals differently and public bodies will need to distinguish. This introduces the possibility of error and of eligible individuals not receiving their rights.
- 13.0. The board requested increased promotion of the current Annual Survey among European embassies.

Action: Communications team to contact all embassies individually to retweet / share link to the annual survey.

- 14.0. KC noted stakeholder engagement continues, with ongoing embassy visits with the Chairman and a developing working relationship with the Italian embassy staff which is leading to embassies discussing the IMA and our work amongst themselves and leading to contact re. issues they become aware of.
- 15.0. Other key meetings this month include the EUSS Steering Group and the EU Committee to the Regions, meeting in Cardiff this month.

16.0. KC confirmed we are still awaiting confirmation from MoJ on the formal budget for next year.

6. Finance Report

17.0. Andrew Bagley (AB) presented the latest finance position to the end of January 2022, outlining the current underspend and expected forecasts to year end. Several risks have been identified that may require additional funding linked to potential legal and estates costs have not yet been included in the forecast but if they materialise, we expect to be able to manage them within the current underspend. We remain within control totals for expected year end position.

18.0. AB outlined a request to the board in paragraph eight of the meeting paper to approve movement of in-year budget between budget lines. This is to ensure we balance our budget as much as possible before year end. The board were content with this approach.

Decision: Requested in-year budget movements agreed.

19.0. AB highlighted there was still a delay to the Ministry of Justice agreeing final budgets across the department and of arm's length bodies for 2022/23. However, we are reasonably confident that our current request will be agreed this month. Subject to final approval AB presented a provisional budget breakdown for the IMA in 2022/23 and requested board approval in principle.

20.0. AB also requested that the detailed budget is delegated to the CEO / Director of Governance and Corporate Services; such that lower level budget virements can be implemented in a timely manner; whilst noting budgets must stay within both control totals agreed with MoJ and the IMA Board.

21.0. The board were content with the approach if the final budget is what is expected or within control totals. This was also agreed for smaller virements within expected control totals. If there is a larger difference the board requested a decision by correspondence to agree any significant changes to the proposal.

Decision: Small virements within expected control totals delegated to CEO.

Action: AB to seek decision by correspondence for significant change in budget agreement with Ministry of Justice.

Decision: Provisional budget allocation 2022/23 agreed.

7. Corporate Risk Register

22.0. AB introduced the summary of the latest corporate risk register noting which risks were new, reopened or had been de-escalated and closed. The common factor linking the majority of high risks is the lack of clarity on next year's budget, however as noted earlier, this is expected before the end of March 2022.

23.0. KC noted that there is increased financial risk going into next year as we are yet to have a full complement of staff due to recruitment delays and notice periods still underway. Further

work is also ongoing to better reflect the independence of the organisation within the risk register framework.

- 24.0. The board queried the purpose of risk COR_058 relating to the visibility of the IMA's actions and agreed it should be discussed at a future Delivery and Impact Committee regarding its focus given we are now up and running as an organisation.

8. Performance Dashboard

- 25.0. AB presented a summary of the latest Annual Plan Performance Dashboard 2021/22 noting the current position of our 31 measures and their predicted year end position. The majority have been achieved, some achieved later than planned and some absolute targets that were missed which have led to amber measures but still a large proportion of the work completed in year. Three measures will not be reported at year end as they are related to inquiry work that has not yet been undertaken.
- 26.0. The board welcomed the presentation and were content with the current position as has been a developing picture throughout the year and there were no new issues that the board were not already aware of. The board noted the dashboard is difficult to read and requested that the information is presented in a different format in future.

Action: Governance team to amend dashboard presentation for future meetings.

9. Litigation Panel Update

- 27.0. RD presented an update on the work of the litigation panel since September 2021, providing an overview of decisions made. The most significant issue to draw out was the progress of the Judicial Review claim filed against the Home Office and RD provided an update on the latest position and likely next steps.
- 28.0. The board were happy with the work of the litigation panel, noting it works well as it has the flexibility to meet quickly when needed.
- 29.0. RD proposed the board receive annual updates on the litigation panel's work if the board felt this appropriate. Members felt the updates were useful and interesting for those not as closely connected to this work and provided an opportunity to reflect on how we are making a difference to the citizen therefore requested the updates are still provided every six months.

Decision: Legal Services to maintain providing updates on the work of the Litigation Panel twice a year.

- 30.0. RD also noted that the legal risk relating to the time limit within which the IMA should bring any litigation action is likely to reduce due to increased confidence in our operations and advice from counsel on likely options that could enable an extension to the limit in the particular circumstances. The board were content with this approach.

10. Operational Ways of Working Update

- 31.0. PE presented an overview of proposed changes to the ways of working of the operational delivery directorate. This is as a result of the difference between the plan of how and what the organisation was set up to deliver and now a year after our launch how things are working in practice.
- 32.0. The proposal brings together the current Intelligence and Complaints teams to create one team where we get information from a range of sources re. citizen experience. The second team will then use the information gathered to focus on public authorities' compliance with the Withdrawal Agreement and to progress with the tools available to us e.g. inquiry as needed. PE confirmed we are currently awaiting the budget for 2022/23 in order to confirm the exact structure. PE also confirmed that the Operational Guidance will be updated in line with new ways of working and published.
- 33.0. KC noted there is still ongoing work to establish our longer term focus and how we share/communicate our work in the future.
- 34.0. The board were content with the proposed direction of travel, noting sound reasoning for the changes given initial expectations of the organisation and what has been found in practice since we launched.

11. IMA Change Projects Overview

- 35.0. Gillon Benoy (GB), Corporate Change Manager joined the meeting to present an overview of change projects across IMA. GB introduced the weekly change update report provided to Executive Team to support tracking project milestones and ensure delivery report since November. This provides weekly oversight.
- 36.0. KC explained the purpose of the report was to maintain oversight and ensure pace of delivery was maintained which dropped slightly once project managers returned to Ministry of Justice in March 2021.
- 37.0. The board asked if there had been any feedback from staff and queried how well this information is shared among staff to ensure staff know deadlines are being monitored. GB confirmed this is only being reported to ET, but it can be extended. The board also queried the criteria to add/remove projects from the report? And if it helps the Executive team to see the information in this format? Executive Team noted the report includes the highest profile and time critical projects therefore is useful to maintain oversight aside from directorate day to day work.
- 38.0. The board were reassured that this reporting is in place within the organisation.

12. Framework Document

- 39.0. AB introduced an updated version of the IMA's Framework Document which is an agreement of how we will work with the sponsoring department Ministry of Justice. This is currently awaiting HM Treasury agreement before seeking signoff between the MoJ and IMA Accounting Officer. The key updates since the original version the board reviewed in

January 2021 included: clarification of finance and procurement arrangements, board and committee responsibilities; use of temporary or contracted workers and data transparency.

- 40.0. The board were content with the majority of the document but requested strengthening of paragraph 30 to maintain our independence and note that we are corporately linked to MoJ but operationally independent.

Action: AB to strengthen reference to operational independence before final framework document approved.

13. IMA Annual Report under A159(2) of the Withdrawal Agreement and A64(3) of the EEA EFTA Separation Agreement

- 41.0. Anna Meredith (AM), Head of Strategy and Communications joined the meeting to introduce the final draft of the IMA's Annual Report to the Joint Specialised Committee. We are currently working to a mid-April deadline in line with similar reports to be submitted from the EU Commission and the EFTA Surveillance Authority. An overview of planned stakeholder engagement with the final report was also provided.
- 42.0. AM noted that we have now received a detailed and comprehensive submission from the Foreign, Commonwealth and Development Office (FCDO) which was missing in the submitted draft.
- 43.0. The board were concerned with the nil return from the Executive in Northern Ireland and the board member with specific knowledge for Northern Ireland offered to make contact if further support is required.

Action: PE to contact LOR if additional support is required regarding Northern Irish information submission to the Annual Report.

- 44.0. The board were content with the stakeholder engagement plan following publication of the annual report and requested that we write to all 30 embassies and include a hard copy of the annual report.

Action: Communications team to write to all 30 embassies to provide a copy of the first Annual Report to the Joint Specialised Committee.

- 45.0. The board were content with the approach to the report and acknowledge recent information received from the FCDO. The board requested to approve a final version of the report by correspondence once agreed.

Decision: Board to agree the final version of the report by correspondence once full report completed.

14. Hybrid Working Paper

- 46.0. AB introduced the IMA current approach to hybrid working which focuses on the needs of the task, team and individual when looking to increase the amount of time staff now spend in the office. Information has been shared with staff, a workshop undertaken with managers as well as consideration of back to the office guidance from MoJ and other welsh public

sector organisations. The output creates a framework for implementation as we develop how we want to work as an organisation following the pandemic. The approach recommends monitoring attendance and increasing time spent in the office gradually to two or three days a week in the office by May 2022.

- 47.0. KC highlighted the issue of consistency and taking account of different factors that affect different individuals or groups of staff e.g. health reasons, attitudes, recruitment, retention. This does require a shift in mindset for staff to ask to work from home rather than agree to come to the office and there is work to be done in this area. Reference was made to a SMART working policy at another civil service department where staff were requested to attend the office 60% of the time could be considered to help change the mindset of staff to move back to the office.
- 48.0. The board acknowledged the difficult new environment that office working post Covid-19 is moving into and noted that where there are genuine medical reasons not to work from the office these must be handled via occupational health but noted that Covid-19 is no longer an acceptable reason not to attend the office. The board also noted that where staff are working from home permanently or regularly then they should be supported properly in terms of Health and Safety and Display Screen Equipment.
- 49.0. The board were concerned that the approach does not reference customers, productivity and creativity and felt it placed too much emphasis on the wishes of staff and not enough emphasis on the needs of the business.
- 50.0. The board agreed in principle to the benefits of adopting Hybrid working. They welcomed the paper presented but concluded more work was needed before the policy was finalised. The board recognised the benefits of working together and staff being in the same space to enable training and development, mentoring and monitoring. These are difficult to deliver remotely. The board noted a number of practicalities that must be thought through to ensure consistency e.g. contract arrangements, same days or flexible days, car parking, so as to avoid any confusion or resentment. The board recognised there may need to be different arrangements for the Legal team to cover specific skills through recruitment.
- 51.0. The board provided a strong steer that the executive team should aim for a hybrid working policy based on three days a week in the office/two days at home. It was agreed that decisions on next steps would be made by the Executive Team in light of this steer and the considerations in the previous paragraph.

15. Any Other Business

Inquiry – update

- 52.0. KC provided an update that the Emerging Issues Group will be considering a proposal to move an investigated issue to a formal inquiry next week (21/3). This may attract significant attention as this would be the first formal inquiry we launch. KC queried how the board would like to be kept informed of progress.
- 53.0. The board queried the timing of an inquiry given other current world events however noted there could always be a reason to delay and if a threshold to launch an inquiry has been

met then it is the correct approach. Executive Team noted that they can prepare lines to take in advance of potential criticism in the event an inquiry is agreed.

54.0. The board requested regular updates via their update calls or meetings as relevant.

Close Meeting