



Independent Monitoring Authority
For the Citizens' Rights Agreements

Draft Minutes

Board Meeting

Date	22 September 2022
Time	10.00
Location	IMA Board Room, Swansea Civic Centre / Microsoft Teams
Present Attendees	<p>Sir Ashley Fox, Chairman</p> <p>Punam Birly, Non-Executive Member</p> <p>Marcus Killick, Non-Executive Member</p> <p>Leo O'Reilly, Non-Executive Member</p> <p>Joyce Cullen, Non-Executive Member</p> <p>Kate Chamberlain, Chief Executive (Executive Member)</p> <p>Andrew Bagley, Director of Governance and Corporate Services (Executive Member)</p> <p>Pam Everett, Director of Operational Delivery (Executive Member)</p>
Virtual Attendees	Charlotte Fuge (observing Item 8)
Apologies	Ronnie Alexander, Non-Executive Member
Additional attendees	<p>Rhys Davies, General Counsel (Advisor – all items, present)</p> <p>Juan Garzon, Head of Governance and Secretariat (Secretariat – all items, present)</p> <p>Samantha Morrison, Legal Advisor (item 11 – present)</p> <p>Lynne Jones, head of HR (item 13 – present)</p>

1. Welcome

- 1.0. The Chairman welcomed everyone to the meeting.
- 2.0. Apologies received from Ronnie Alexander.
- 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. Two clarifications sought, one on actions resulting from engagement with the Italian Embassy (par 7). IMA is to approach the Italian Embassy to arrange a return meeting. Second clarification was on succession planning (par 11). It was meant succession planning for both board members and wider IMA staff.
- 5.0. Minutes from the previous meeting (16 June 2022) otherwise approved and can be published on the IMA website.

Action: Secretariat to amend June minutes accordingly and publish on the IMA website.

- 6.0. Actions were reviewed, updated and closed where relevant.

3. Chairman's Report

- 7.0. The Chairman provided an update on his recent activities including his Chair's appraisal with Jerome Glass, Director Policy and Strategy at MoJ. Jerome Glass was content with the performance of the Chair and the work of the IMA. The Chairman will continue to engage with key stakeholders including Lord Bellamy in October.
- 8.0. Ministerial changes were discussed noting that Kevin Foster has moved from the Home Office. His replacement as Minister for Future Borders and Immigration is currently unknown but as soon as they are appointed, early intro meetings should be arranged.
- 9.0. The Chair has been approached by the Department for Levelling up inviting IMA to participate in a boardroom apprentice scheme – this is to have an unpaid shadow director observing Board meetings. IMA Board agreed to take part. To mitigate risks on confidentiality, it was suggested that apprentices sign a confidentiality letter on the first day they attend the Board.

Action: Secretariat to follow up on ministerial appointments and arrange an introductory meeting between the Chair and the new minister for Future Borders and Immigration as soon as possible.

Action: Rhys Davies to draft confidentiality letter for Board apprentice scheme.

4. Feedback from Board Committees

- 10.0. Each of the Committee Chairs provided a brief overview of recent discussions at committee meetings held since the last board meeting. Verbal updates supported the respective minutes circulated with meeting papers. The Chair noted that there has been no Audit and Risk Committee since the last board meeting (next on 20 October where the IMA Annual Report and Accounts will be considered).
- 10.1. The Chair of the HR and Remuneration Committee highlighted the deep dive on recruitment and attraction. Discussions were around IMA challenges recruiting staff given its location and a rigid working from home policy.
- 10.2. IMA staff expectations to remain in the organisation were also discussed. The People Survey indicated that only 28% of staff intended to continue working for the IMA for the next three years. Although this may appear concerning, it was flagged that the typical time that people spend in a particular job is likely to be three years in any event.
- 10.3. Recruitment process in line with civil service guidelines was also discussed as this process lack flexibility and could be ineffective identifying the right candidates. Board agreed candidates would benefit from background information and guidance to help them prepare for the selection process in future.
- 10.4. The Chair of the Delivery and Impact Committee noted that the deep dive on operational delivery prioritisation was very helpful as this outlined the underlying issue, background information, considerations made and associated risks regarding the new interim ways of working arrangements that have been adopted within the organisation for managing operational priorities.

5. Board and Committee Terms of Reference

- 11.0. The Board noted summary paper outlining suggested changes to Board and Committee Terms of Reference. Subject to the amendments below, the Board approved the Board and Committee revised Terms of Reference.
- 12.0. The Board agreed that paragraph 18 of the Board Terms of Reference is to be amended to reflect that the IMA Board will meet quarterly. Reference to the Board meeting monthly is to be removed. The Board also agreed that paragraph 19 of the Board Terms of Reference is to be amended, to say that the IMA Board *may hold an annual Meet the Board session separate to their formal meetings*, instead of will hold.

Action: Governance team to make further amendments to the Board Terms of reference as above.

Decision: Board and Committee Terms of reference approved as revised and amended.

- 13.0. AB raised a practical point in relation to the Annual Report and Accounts which the Board must approve before it is lay in parliament, under its terms of reference. The Board agreed

to consider the approval of the Annual Report and accounts at the Board call meeting on 3 November, following consideration from the Audit and Risk Committee on 20 October.

6. Chief Executive Report

- 14.0. Kate Chamberlain (KC) invited Pam Everett (PE) to present an overview of complaints received to date and gave examples of two recent complaints received relating to residency and eligibility grounds, and how these have been handled and progressed. The key issues in the first case relate to the complainant's proof of residence. It was noted that information about what constitutes acceptable proof of residence is available on-line. The key issue on second case is around whether the complainant was resident in the UK during the relevant period.
- 15.0. PE reported that since the last Board meeting in July, IMA has received a further 34 complaints and IMA continues to see over 70% of complaints relating to the Home Office.
- 16.0. PE provided an update on the Looked After Children (LAC) pilot project in line with the paper available to the Board. PE confirmed that a report is to be published in October. The three key areas of the work relate to a) identification of eligible children, b) record keeping and c) retrospective checks i.e., review of children who have been in care to identify children who may need support in this area.
- 17.0. Responses from Welsh Local Authorities have been assessed through a RAG (Red, Amber, Green) system where Green means they are complying, while Red means that clear gaps have been identified. Wrexham for example has been identified as a potential best practice model, while Neath Port Talbot has shown poor results with unclear processes in place and no evidence of record keeping. Assessments are intended to be shared with each Local Authority ahead of publication and post publication face to face visits to Local Authority will take place to collect evidence of their actions. Roll out of the project in England will start in mid October which is slightly later than anticipated to ensure lessons are learned from engagement with Welsh Local Authorities.
- 18.0. The Board discussed the risk associated with the publication of the report and its impact on IMA relationships with Local Authorities. It was agreed the risk is low as the report will not say that a Local Authority has breached the withdrawal agreement, but it needs to be monitored. The Board agreed it is important that the findings are known, and Local Authorities take this matter seriously. The Board suggested the report to include case-studies and should make it clear that retrospective checks mean a confirmation from the Local Authority itself.

Action: PE to consider whether the LAC report could include case-studies and ensure the nature of the retrospective checks is clearly explained in the report.

- 19.0. The Board discussed the topic of telephone complaints and Power BI (tool to present data using graphics and manipulate reporting in real time) in line with the CEO paper. AF queried the financial costs and whether IMA will need more resources to implement the telephone system. KC reported that an appointment system is under consideration and that a significant number of complaints are not expected to be made using the telephone. This

is therefore manageable at no significant costs for IMA. KC highlighted that implementing telephone complaints will help resolve cases quicker and will be a more inclusive system.

- 20.0. KC made a detailed power-point presentation on current staff recruitment and vacancies. This included detail of members of staff that are new, those who have been in post for longer than three months (or are established) and secondees. The Board welcomed the update which they found helpful.

7. Inquiry Update

- 21.0. PE reported that the team is on track to complete the inquiry by the end of March as outlined in the timetable. The inquiry calls for evidence has been in place for some time with only around 40 responses having been received.
- 22.0. The Board noted that Home Office engagement has been positive since the last Board meeting with Home Office officials having given full responses to our questions. The Home Office have also improved providing data (September data was provided earlier than expected).
- 23.0. Responses and evidence are currently being analysed with active engagement and input from the legal team. On-site inspections and interviews in UK Visas and Immigration are planned to take place during the week of the 10th and 17th October with this phase planned to conclude in November.

8. Financial Update

- 24.0. AB introduced the finance update in line with the paper available to the Board. AB reported that we have received some indication from MoJ that the budget next year will be like the budget received this year which is a positive position. There is however a risk associated to the usual uncertainties around the Spending Review.
- 25.0. Forecast based on current level of spending is that at the end of the year IMA will be spending c.£5m against a £5.4m budget. This is not surprising given the level of vacancies the organisation carries. Underspend risks however are being addressed and mitigated with new staff recruitment which will lead to an anticipated underspend at the end of the year of c.400K. The underspend will likely be even lower when other costs such as CMS related costs materialise.
- 26.0. The Board noted the budget update and approved two budget movements: (a) virement of £5k from Programme staff costs to Estates (Admin); (b) Virement of £100k from Staff Costs (Programme) to Other Costs (Admin).

Decision: Budget movements on Staff Costs to Estates and from Staff Costs to Other Costs approved.

- 27.0. AB provided an overview of the Annual Report and Accounts approval process. Draft copy of statement of accounts will be further discussed/agreed at the Audit Committee 20th October 2022. Steps will then follow for signatures by the NAO and IMA Accounting Officer before the lay date.

9. Corporate Risk Register

- 28.0. AB introduced the summary of the latest corporate risk register noting which risks were new, reopened or had been de-escalated and closed. There are currently three issues opened related to capacity in the legal team, the spending controls imposed by government and process delays with SSCL (Shared HR service), which is a new issue. With regards to SSCL it was noted that this service could be improved, but KC and AB are engaging with SSCL leaders to ensure we can escalate and resolve issues promptly.
- 29.0. There are four high corporate risks related to financial underspend, insufficient staff, lack of awareness of political opinion of the IMA and our work; and lack of awareness of future issues that could impact the work of the IMA. In relation to the financial underspend, AB flagged that the risk reflects the position in August but is likely the risk score will be reduced considering new recruitment and further costs that need to be accounted for such as CMS costs.
- 30.0. AF raised a concern about the wording of cause No 3 of risk: Comms_002 – *Lack of awareness of political opinion*, as this suggest IMA could be taking sides on the issue of leave/remain. Board agreed this should be re-worded.

Action: AB to review the wording of the causes for Comms_002 risk.

10. Performance Dashboard

- 31.0. The Board noted the paper. AB flagged the only performance measure that is assessed as red or not met is in relation to comms outreach work including the rejected business case for the communication's campaign. AB pointed out however that this performance indicator is not just limited to the communication campaign. As there has been a great deal of outreach work through social media and other platforms during the preceding month this KPI is closer to green.
- 32.0. In relation to the sick absence report, the Board noted the small number of short-term sick absences during the relevant period. JC queried whether the distinction between long term and short-term sick absence was an addition to the report since the original definition was agreed. AB explained that this distinction is common across the civil service and it helps to focus on short term sickness which is more manageable.

11. Litigation Panel

- 33.0. Samantha Morrison (SM) provided an update on the cases considered by the Panel during this period which included the ongoing work of the IMA's first judicial review of a public authority (the pre-settled status to settled status litigation, "PSS to SS"), as well as two new appeals relating to homelessness litigation within the Court of Appeal, and general principles relating to publication of the IMA's litigation action.
- 34.0. SM pointed out that in the two homelessness cases, there are reporting restrictions and confidentiality orders in place, and so at present the IMA is not publishing this activity as

this is a factor indicating non-publication. However, and with future reconsideration provided for by the principles, this decision is subject to review following a decision on the IMA's application and further discussion with the Appellants' solicitors.

- 35.0. SM flagged to the Board that the GIAA recommended drafting terms of reference of the Litigation Panel. SM confirmed that the legal team is progressing this recommendation and a draft will be put before the Board for approval in due course.

12. Strategy Day

- 36.0. KC presented a paper on the forthcoming IMA Strategy day in November. Board members noted and agreed the agenda. Board members agreed that having a presentation from James Dawdler (MoJ) and Daniel Fleischer-Ambrus is helpful given their expertise and input in the creation of IMA. KC pointed out that introductory session reflecting on the future of the IMA will also take place with staff on 18 Oct.
- 37.0. PB suggested that it would be helpful during the second day (item 5 – reflexions and next steps) to have an extra 30 minutes to discuss comprehensively what IMA will do next, or if this is not possible to ensure that all discussions throughout the two days bear this in mind.
- 38.0. LO suggested that key background information and reading about the IMA should be sent to Board members and attendees before the event. The Board also agreed that discussion about succession planning (for both Board members and staff) is included in the agenda.

Action: KC to consider adding time for further discussion about what is next for IMA and include succession planning in the agenda. Background information and reading is to be made available to Board members before the event.

13. Hybrid Working

- 39.0. Lynne Jones (LJ) presented the Hybrid working policy. LJ outlined the various consultation that took place before creating the policy including with MoJ. LJ mentioned that the policy was originally divided into two documents, a policy document and an impact document to help managers applying it. LJ reported however that on advice from counsel the documents were merged into one.
- 40.0. Board members commented that the policy document was long but agreed detail might be needed to support managers and because the policy is untested. LJ explained that IMA currently runs a devolved HR model where managers have principal responsibility on application of the policy so detailed information will help them apply it reducing the number of aspects open to interpretation. Launch and awareness sessions will take place to ensure all staff is aware of the policy. AF also commented that the policy was long but agreed to its implementation. The policy is to be reviewed in 12 months, where AF expects it to be as succinct as possible.
- 41.0. The Board reflected that they expect staff to be in the office while they undertake their induction and expect staff to be in the office when Board meetings take place. LC said that this will be considered as part of a new induction policy which will be linked with the hybrid policy.

Decision – Hybrid policy approved for immediate implantation and to be reviewed in 12 months.

15. Any Other Business

42.0. None raised.

Closed Meeting