

Board Meeting

Date	15 December 2022
Time	10.00
Location	IMA Board Room, Swansea Civic Centre / Microsoft Teams
Present Attendees	Sir Ashley Fox, Chairman Leo O'Reilly, Non-Executive Member Joyce Cullen, 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 Marcus Killick, Non-Executive Member Ronnie Alexander, Non-Executive Member
Apologies	Juan Garzon, Head of Governance and Secretariat
Additional attendees	Rhys Davies, General Counsel (Advisor – all items, present) Lorien Punched, Governance Officer (Secretariat – all items, present) Helena Geach, Lead Inquiry Manager (Item 6 – present) Anna Meredith, Head of Communications and Strategy (items 11 and 12 – present)

1. Welcome

- 1.0. The Chairman welcomed everyone to the meeting.
- 2.0. Apologies received from Juan Garzon (JG).
- 3.0. The latest Register of Interests was shared with papers for the meeting. No further interests were declared relating to items on the agenda. The Register of Interests is available on the IMA website.

2. Previous Minutes and Actions

- 4.0. Minutes from the previous meeting (22nd September 2022) were approved and to be published on the IMA website.
- 5.0. Actions were reviewed, updated, and closed where relevant.

3. Chairman's Report

- 6.0. The Chairman provided an update on the IMA committee structure for 2023. The Board agreed that the current structure of the committees ensures that they are able to run effectively, so there would be no change to the structure. There would however be alterations to the membership of some of the committees. Punam Birly will leave the Delivery and Impact Committee and Leo O'Reilly will join the Delivery and Impact Committee. Joyce Cullen will join the Litigation Panel, raising the total Board members on the panel to three. Only one non-executive member would be required for the litigation panel to be quorate.
- 7.0. The IMA has joined the Boardroom Apprentice scheme. The IMA's apprentice director is Jennifer McMahon (JM) who will be treated as a non-executive director (though cannot vote) and is invited to all committee and board meetings. JM will be required to sign a confidentiality agreement. AF will act as JM's buddy through the scheme. JM's CV be circulated to Board members.

Action: Andrew Bagley (AB) to share CV for Board apprentice Jennifer McMahon with Board members once available.

4. Feedback from Board Committees

- 8.0. 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.

HR and Remuneration Committee

- 8.1. Punam Birly PB highlighted three main areas. It was outlined that the IMA's headcount is increasing, with no staff resignations in the last six months. This is lower than the turnover rate of many other organisations currently.
- 8.2. Further clarity over the performance management deep dive was presented at the last HR and Remuneration committee. PB also shared that there had been discussions around the number and length of IMA policies. These policies are in the process of being redeveloped to ensure that all IMA policies are clear and concise.

Audit and Risk Committee

- 8.3. Leo O'Reilly (LOR) provided an update of discussions at the most recent meeting. This meeting had many external attendees, predominately from the MoJ due to the MoJ involvement with the IMA Annual Report and Accounts. These have

subsequently been approved by the IMA Board, signed by IMA Accounting officer and NAO; and 'laid' before parliament.

- 8.4. The Board discussed the results of the IMA's internal audit review into the IMA's governance processes. The IMA was found to have a good standard of governance and was rated as substantial by GIAA.
- 8.5. LOR outlined plans for the IMA to undertake a business continuity test, to ensure that current arrangements are robust. Since the Audit and Risk Committee last met, a call cascade test of the business continuity system has taken place. The Board discussed that although the test had been successful, the IMA had plans to develop a text notification system. This would reduce the IMA's reliance on using the telephone call cascade and would be less time consuming for all staff.

Delivery and Impact Committee

- 8.6. Marcus Killick (MK) provided an update that the first in person meeting successfully took place. The Board discussed the previous Delivery and Impact Committee minutes and actions.

5. Chief Executive Report

- 9.0. Kate Chamberlain (KC) invited Pam Everett (PE) to present an overview of complaints received to date and gave examples of two recent complaints received both relating to residency, and how these have been handled and progressed.
- 10.0. It was reported that since the last Board meeting in September, the IMA has received a further 22 complaints. These complaints work in conjunction with intelligence gathered by the IMA. It was noted that it is more accurate to describe the IMA as an intelligence-led organisation rather than a complaints-led organisation.
- 11.0. An update was provided on the Looked After Children (LAC) pilot project in line with the paper available to the Board. In October, the IMA published its Assurance Review (Looked After Children and Care Leavers) report, setting out the purpose of IMA assurance activity. The IMA plans to meet with local authorities from England and Wales during early 2023. The roll out of the project in England is being undertaken in regions, due to the size of England in comparison to Wales.
- 12.0. Future plans relating to the LAC project were outlined. The IMA are in the process of creating a LAC steering group in 2023, which will be an additional forum for engagement. The IMA also plans to work with local authorities which scored well in the IMA's LAC report (such as Wrexham local authority) to create case studies highlighting good standards. The IMA are on track to conclude the LAC investigation by May 2023.
- 13.0. The Board discussed how the implementation of the project may differ in Scotland, due to difference in how parental responsibility is managed and how engagement with the Scottish Government in January 2023 will help to ensure the success of the project.

- 14.0. The IMA Issues log was discussed which was initially launched onto the IMA website in May 2022. The IMA have received positive feedback regarding the Issues Log, which highlights matters that are live and currently under consideration by the IMA. The Board discussed widening the types of cases included on the log, to include those currently under investigation by the IMA's Intelligence team.
- 15.0. An overview of the IMA's recent litigation activity was presented to the IMA Board. The judgment is being awaited in IMA's judicial review of the Home Office's EUSS that took place on 1st and 2nd November 2022. The IMA are in the process of drafting submissions for the court on the A v Barnett case. The submissions will be shared with the Litigation Panel for comments before submission.
- 16.0. The judgment has been handed down in the IMA's intervention in the Upper tribunal case (SSWP v AT [2022] UKUT 330 (AAC)). The court agreed with the IMA's argument, that in some specific circumstances the Charter of Fundamental Rights continues to have some application under the Withdrawal Agreement. The judgement is being appealed and further updates will be provided in due course.
- 17.0. An update was also provided regarding the IMA's legislation monitoring work. This included details of new Scottish legislation which corrected an issue highlighted by the IMA as part of its legislation monitoring work.
- 18.0. The IMA have received the results from the annual Staff Survey. Overall, these results were positive, with 98% of IMA staff completing the survey; and an employee engagement score of 73%. The IMA scored higher in most areas compared to both the Civil Service and MoJ. The results will be further discussed in greater detail at the next HR and Remuneration Committee.
- 19.0. The Board were updated that the IMA's framework document had been signed by the IMA however was still under review by the MoJ for publication. The Board noted the significant period of time that had elapsed for MoJ to publish; the need to update aspects of it in 23/24 and the difficulty driving progress with the media campaign conflicting with operational independence from Government. The Board therefore agreed on the decision that the IMA should write to the MoJ to withdraw consent from the framework document until a further update is made and current issues are resolved.

Decision: IMA to withdraw consent from framework document as still not countersigned by MoJ and no longer fit for purpose.

Action: AB to ensure letter is sent to MoJ withdrawing consent from the Framework document.

- 20.0. An update was provided to the Board regarding the IMA's Media Campaign. The IMA did not receive final approval from Cabinet Officer Minister and therefore had been advised by MoJ to redraft the media campaign. The new campaign has an annual cost of just under £100,000. This campaign has been approved by the MoJ and does not need further approval by the Cabinet Office. To prevent future delays in implementing a media campaign the Board asked for a document to be created which highlights issues faced by the IMA.

The IMA will also work to ensure future framework documents set out requirement for IMA to undertake media campaigns.

Action: AB to commission comms team to create 1 page document on IMA issues following Cabinet office minister not approving IMA media proposal.

6. Inquiry Update

21.0. The inquiry's third phase of evidence gathering (interviews with Home Office staff) concluded in September 2022. The IMA is now in the process of analysing this information. Initial findings were shared with the board and a discussion of the implications took place. The Inquiry is on track to publish its findings in spring 2023.

7. Finance Report 22/23

22.0. The finance update was provided in line with the paper available to the Board. A breakdown of the IMA's 22/23 budget was provided, including a forecast of IMA spends to the end of the 22/23 financial year. Currently it is expected the IMA will have a £313,000 surplus at the end of the financial year. This surplus is lower than the £461,000 surplus predicted during the September Board meeting. This is the result of further necessary spend by the IMA.

23.0. The financial report also outlines the IMA underspends. These are due to lower travel and subsistence than expected, reduced legal activity, utilising free training opportunities and changing suppliers to one that provided a better value for money.

24.0. The Board discussed the movement of funds into agency staffing, as one of the recommendations of the paper. It was agreed that this movement of funds would allow for the IMA to utilise contractor skills and complete internal change projects quicker and more efficiently.

Decision: Approval of the virement proposed in paragraph 9 of the finance report, to allow legal budget surplus to be reallocated to agency staff spend.

25.0. The Board agreed to release any unnecessary budget to the MoJ provided that the IMA can still deliver on any legal activities that may occur within the 22/23 financial year.

Decision: Approval of the release of unnecessary budget in 22/23 to MoJ.

8. Corporate Issues and Risk Register

26.0. The latest corporate risk register was discussed noting which risks were new, reopened or had been de-escalated and closed. There are currently two open issues related to the spending controls imposed by government and process delays with SSCL (Shared HR service). It was noted that the SSCL issue had improved since it was last reviewed by the Board due to controls in place; e.g. new joiners are now able to claim expenses in a timely manner. However, the IMA continue to work with SSCL to address the root cause of issues noted.

- 27.0. There are two high corporate risks. These relate to lack of awareness of future issues that could impact the work of the IMA and reduced budget from the MoJ for future financial years. In future Board papers, each control planned will include a specific completion date.

9. Performance Dashboard 22/23

- 28.0. The Performance dashboard reported all measures are rated Green, on target, with the exception of two measures rated at Amber. One measure related to reaching KPI targets for processing complaints is increasing and is expected to reach Green by the end of the financial year. The other measure related to increasing understanding of key issues was reduced from Red to Amber as the IMA was awaiting approval of funds for a media campaign at the time of the papers being issues. Given the update since then, the Board asked for this measure to be increased to Red to reflect that that campaign was not approved.

Action: AB and JG to increase the RAG status of action ‘Amplify the understanding of key issues so citizens and stakeholders have better knowledge of their rights by using all communication channels to publicise our work’ to Red from Amber to reflect the IMA’s media campaign not being approved by Cabinet Officer Minister.

10. Strategy Day Follow Up

- 29.0. All Board members found the event was useful and allowed for clear discussions on the annual plan. Discussions with the MoJ and the EU delegation were constructive.
- 30.0. The Board requested that specific issues that were raised by the EU delegation to be included in a log with actions of how the IMA could address the concerns.

Action: PE to create log of concerns raised by EU delegation and actions that the IMA are planning to undertake regarding each concern.

11. Annual Plan 2023/24

- 31.0. The Board considered the proposed Annual Plan for 2023/24 which took into account discussions at the Strategy Day in November. The Annual Plan is due to be sent to the Secretary of State by 28th February.
- 32.0. The Board discussed the content of the plan in light with recent issues obtaining approvals for the IMA’s Media campaign. It also considered the IMA’s ability to deliver its strategic aims as set out in the proposed Annual Plan.
- 33.0. The Board also asked if there would be reference to the judicial review decision in the Annual Plan if this was received by the submission deadline. AM confirmed this would be included in the forward look.

Decision: The Board approved the proposed annual plan

12. Annual Report for Specialised and Joint Committees

- 34.0. The IMA have been able to learn from the first report that was submitted to the Joint Committee and Specialised Committee, to ensure that they both will be happy with the report's structure.
- 35.0. The Board discussed sharing the IMA's submission timescale plans with the EU Commission, however the IMA would not delay submission of the annual report to align with the EU Commission's as this could result in a large delay.
- 36.0. The Board also discussed the lack of information that was previously provided to the IMA by the Northern Ireland government. The Board decided that the IMA will engage with Northern Ireland civil servants alongside those from other devolved nations. If this is unsuccessful, it will be reflected in the annual report that the IMA could not engage with the Northern Ireland government.

Action: KC and PE to reach out to senior civil servant who leads on citizens' rights in Northern Ireland, to seek their support for the Northern Ireland contribution to the Annual Report for the Specialised and Joint Committees.

13. Board Succession Plan

- 37.0. Following an audit by GIAA, it was advised that a board succession plan should be created. The Board Succession Plan is split into two sections: contingent planning and longer-term approach.
- 38.0. The Board felt that the plan in its current form was lengthy and complicated. Although the Board acknowledged the importance of having a plan in place, the Board suggested some amendments needed to be made ahead of approval of the plan. These were as follows:
- 38.1. Inclusion of Board Succession planning for Executive Board members, who were not included on the plan as their skills are relevant to the overall Board.
- 38.2. How frequently the plan would be reviewed by the Board to be clearly defined.
- 38.3. The role of the Senior Independent Director to be referred to.
- 38.4. RAG status timescales relating to time remaining on Board terms to be redefined to:
- 12 months or longer; green
 - 9- 12 months; amber
 - 9 months or below; red
- 38.5. Removal of reference to the use of an employment recruitment services when recruiting non-executive Board members
- 38.6. Inclusion that the Chair will play a role in recruitment campaign of Board members.

Decision- Board Succession Plan not approved in current form. IMA Board to review amended Board Succession Plan at next Board meeting and consider approval.

Action- JG to make amendments discussed by Board to Succession Plan.

39.0. The Board also asked for confirmation that Board members, during their term extension, first needed to go through the same selection process with consultation by the MOJ with the relevant devolved nation. It was agreed that this would be looked into, and if required, included in the Board Succession planning document.

Action- JG and RD to check if there has to be a reselection process for Board members with specialist knowledge (e.g. of each devolved nation) before their term can be extended.

14. Any Other Business

40.0. KC briefly discussed staffing matters.

Closed Meeting