**DRAFT MINUTES OF THE ARAC MEETING**

**HELD ON 15TH SEPTEMBER 2021 AT 10.30AM**

**BY ZOOM**

Present: R Beggs (Chair), S Parlour (SP), J Wilkinson (JW), T Salmon (TS)

In Attendance: S Gallaher (CEO), G Fair (DE), A Boyd (DE), T McCavigan (TMcC IA),

C Shaw (CS IA), A Allen (AA NIAO).

Minute Taker: L Dickson (PA)

Apologies: D Baxter (DB)

1. Apologies were received from DB.

2. Declarations of Interest

None

3. Minutes of the meeting of 21 July 2021

(i) The Chair thanked the CEO of the copy of the Cabinet Guidance and highlighted that the Minutes should go to the Chair. Going forward it was agreed that the Secretariat share a copy of the minutes within 5 days. Any amendments to be forwarded to the Chair and Chair and Secretariat to liaise on these.

(ii) The Chair noted concerns regarding the lateness of papers which is outside Standing Orders and added that decisions could not be made because of lateness with no time for committee members to study them. Some members shared these concerns and have requested hard copies. The Chair noted that these papers had been sent to members on a Sunday and indicated his concern for the welfare of staff working on a Sunday. He advised that the papers should have been done 10-15 days ago.

(iii) The CEO responded advising that members would recognize that the Council is operating under stressful conditions, advising that 4,000 emails had to be addressed. He apologized advising that he had to respond to queries from Principals and MLAs. He indicated that staff are not in the office at the moment to print out papers and it would not be a good use of his time, adding that the matter will be discussed with staff on their return to the office. He said he would leave it up to the Committee to look at the matter. The Chair noted the CEO’s comments.

Amendments to the minutes were discussed and noted.

Proposed: SP Seconded: Chair

4. Matters Arising

To be discussed all together after Minutes.

5. Minutes of the meeting of 5 July 2021

Amendments to the minutes were discussed and noted.

Proposed: SP Seconded: Chair

6. Matters Arising

To be discussed all together after Minutes.

7. Minutes of the meeting of 4 May 2021

Amendments to the minutes were discussed and noted.

Proposed: SP Seconded: Chair

8. Matters Arising (All Minutes)

4 May 2021

(i) Circulation of Minutes of the Council meeting in March - The Chair indicated that the risk had been identified by the Cabinet Office regarding the timing of the circulation of minutes and that minutes should be produced and circulated within a week. The CEO advised of the stressful conditions within the work environment at the present time and said he was awaiting a paper from the Chair of Council.

(ii) Legal Advice on Independent Member - The CEO advised this has been sent to the Chair of Council on 6 August. The Chair said that no reference was made to the current member, just the term of office of ordinary members. The CEO said that DSO had assured that this is covered by their advice and said it was for the Committee to decide, with the Agreement of Council if there is a need for an independent member, skill set, terms of appointment and role. He added that TS had agreed to stay on until the new Council was in place. Members discussed length of time served and the Chair quoted a letter from the Permanent Secretary and said the length of term should not be any longer than 3 years. The CEO advised he had circulated guidance to the Committee but it was not mandated. TMcC advised that IA had on numerous occassions raised that after reconstitution all Committees and Council should have conducted a skills review to ensure they have the adequate skill sets to suit the needs of the committee/Council and still to date this has not occured. The Chair offered to work with TMcC on a proforma.

(iii) Risk Assessment – on Agenda to be discussed.

Registration – Report circulated.

Budget allocation – Chair has raised with Council and does not know if the review will be shared.

NIAO Review - to highlight absence of CEO – Done.

Report of Previous Chair of ARAC. The CEO advised this had been done and circulated to Council.

(iv) Independent Audit Recommendations – Discussion took place about the non progression of the recommendations. TMcC advised the concerns should have been brought the attention of the Council to seek their direction on how to address the matters. The CEO indicated these had been reflected in the outstanding recommendations report. Discussion took place on how Council should be provided with the information for consideration. In reply to what format TMcC said it was a matter for the committee to ensure adequate reporting or if significant issue then a seprate agrenda item would be requested.. The Chair said he would be prefer to have it raised as a separate item because of the amount of papers that members receive. He was concerned it would be overlooked. TS requested that the Chair of ARAC speak to the Chair of Council to request time for this to be discussed at the Council Meeting. The CEO indicated that all IA reports are circulated to Council.

Corporate Risk Register - On agenda for discussion.

5 July 2021

Corporate Risk Register - On agenda for discussion.

Access to DBS – Done

Chair of PRRC to be involved in registration situation – Done

Members to email changes to Risk Register – Members had been given the opportunity

21 July 2021

(i) Independent Member – Advice sought

Training to be discussed at HR – Staff training discussed. Committee training on agenda

Skill Sets – Moving forward

Cost of Registration System – Done

Update to PRRC – Done

Data Breach – Chair asked when report available. CEO was not aware yet.

Risk Register – On Agenda

Appointment of 2 managers – Matters being addressed and recruitment ongoing

Change of ownership of risks – CEO advised no discussion had taken place as yet.

(ii) TS highlighted the article which was in the Press regarding the GTC registrations and said that the details came from within the organization. He asked the CEO for an update and the Chair advised this would be covered later in the meeting. Members were content to move forward.

(iii) Next Item was brought forward due to time limits of members

11. Major Incidents

(i) TS highlighted that new applicants were not being registered in time and said the press contact had clearly emanated from within the GTCNI. He asked for reassurance that the problems had been cleared. The Chair indicated the problem had emerged at a meeting of NASUWT. The Chair said that GTCNI was aware of problems but it had not been raised to him or the Chair of Council. This is where there is a breakdown. Some teachers have lost employment because of this and could take cases against GTC. TS asked for reassurance on the current position and the CEO gave an update and said he thought what the Chair said was erroneous and inaccurate. He said that staff made every effort possible to get everyone registered and outlined the process for members. The Chair enquired about a long term resolution and applications received.

(ii) The CEO said that the backlog had been cleared and most NI graduates registered. Applications from outside NI are being addressed now. He advised he had been dealing with questions from MLAs and Principals and also threats to staff. Staff were working as hard as possible. He outlined the IT issue and said it was rectified within 2 weeks. He advised that staff have worked 23 days overtime over the last month and that they have been affected by comments on social media and he has been dealing with abusive calls. One of the issues was employers offering job opportunities to individuals who have not registered with GTCNI and not taking the time to allow GTCNI applications to be processed. He has suggested a meeting between DE, Employers and the GTC. SP indicated her shock over the threats to staff. The CEO said that she should not be surprised with that when people have been encouraged to email the GTC. SP asked who has done that? The CEO advised that we only have to look at the comments put out in the media around this matter to work that out. SP asked about the 273 applications which are still outstanding and enquired how long it would take to clear this backlog. The CEO emphasised that it was not a back log it is related to the number of applicants we get at this time of year, and updated members with an estimate of time as long as the correct documents have been provided, which is 6-8 weeks but some will be as late as October. The CEO confirmed that he had dealt with some principles that had made apppintments outside NISTRA and added that quite frankly these problems are not of our making.

(iii) TS said he was comfortable with the update and asked about declinations. The CEO advised that these were about the same as previous years. He added that there was a lot of anxiety within the CEO and staff and he was looking into bringing in 2 new members of the registration team. TS asked about the working group looking into this issue that this be looked at for the future. The CEO said there is nothing really different to what we did this year and previous years but there is work is to be done on communications and there would be a value in a meeting with DE and employers. He said that possible options for a long term solution are being considered with AB and would open conversations with DBS at the end of this month. The process is working well at present with DBS and that applicants at the moment are 40 a week which will reduced as the year goes on. TS raised an issues regarding communication between applicants and the GTCNI regarding timelines. The CEO advised that applicants are advised of timelines at the time of applying and that we are not answering any calls and filters are in place to deal with calls. Employers are making recruitment decisions without taking into account GTCNI registration.

(iv) The Chair said he was concerned that the CEO had thought his statement was erroneous and inaccurate and asked the CEO to point these out to the committee. The CEO said the Chair had talked about delays in registration and that people couldn’t get jobs, but would rather take this conversation off-line. The CEO added that the truth of the matter is that it would be helpful if anyone had any queries they should ask the CEO first, but what had been portrayed was not an accurate reflection of the situation.The Chair said his summary was exactly accurate and a Paid Union official had brought concerns to the Minister of Education. He discussed registering with NISTR and the need to be registered with GTCNI first. The CEO said that that was not the case, The Chair repeatly asked the CEO to stop interrupting him when he was speaking. The Chair then said he would ask the host to mute individuals if they continued in this behaviour. He indicated that the problems that newly qualified teachers face when they cannot go on to the NISTR register without their GTCNI registration and that schools are struggling to get supply teachers. There is a risk of reputational damage to GTC. The suggestion that this is a normal year and we have done things the same as the past is not correct. He said he understood that an update was made to the IT system and had failed and this caused holdups.

The Chair lost sound.

(v) GF advised getting information out to training colleges to let them know to register as soon as possible.

(vi) The CEO said he took exception to the comments about the IT systems failure and said the IT switchover did not fail. He added that the 2 application processes for NISTR and GTC can run at the same time. GF said that it was not helpful to make public statements before information is provided and this was also detrimental to staff.

(vii) The Chair said he understood that no one from GTC had made public statements and we should not comment on any Trade Union. He voiced his concern about the 273 open registrations as they cannot be supply teachers and was concerned about damage to the reputation of GTC. He highlighted a lack of communications between GTCNI and Council and said that ARAC should be kept updated with all happenings. The CEO enquired about what issues and the Chair said that a substantial number of applicants not registered and said that job offers were being removed. TMcC enquired how many of the open applications that have been processed were outside the timeframe and there is a need to understand the reasons for delay. In addition it should be established how many of the outstanding applicants are outside or likely to be outside the normal processing times.

(viii) The CEO advised that 85 were outstanding and were awaiting information from applicants or certain checks. Most others are within the timeframe. Council has been made aware of the DBS issue. He outlined the timeline of applications processed and the invoicing process. In terms of making Council aware he said he was firstly made aware of the NISTR problem by GF and as soon as problems arose they were dealt with.

(ix) SP added that the CEO knew about this in March and asked what steps were taken.

(x) The CEO provided the timeline of the problems and said that Council was made aware when appropriate.

(xi) The Chair said it was inappropriate for Council to find out issues after the event as it could suffer reputational damage. The CEO said that Council had been informed in time and he did not want to add anymore.

12.05 – 12.10 – Comfort break

(xii) The Chair enquired about what action had been taken to address staff shortages.

(xiii) The CEO explained the circumstances under which staff had left and said he was looking to bring in 2 registration officers as soon as possible. He was having weekly meetings with the Registration Team and they are working overtime and that cross checking had been done up to the first week in August. SP enquired if there was a capacity issue to process and the CEO said that technically staff was down one person.

(xiv) JW said he was content that the CEO was dealing with this matter.

(xv) The Chair added that he was aware of the risk and suggested a temporary arrangement with EA if needed.

12. Internal Audit

1. TMcC indicated there was one outstanding review from the 2020/21 audit plan namely Project Management and Internal Audit has just received the management response. She advised that Internal Audit will liase further with Management prior to finalisation of the report. It was noted that this assignment as previously reported has an unacceptable opinion.
2. TMcC also noted that the 2021/22 audit plan whilst agreed in principle they have not received any further comments or approval to proceed. This has been highlighted as a significant issue given that we are six months into the audit year. TMCC then sought that the plan as set out in annex 1 if members are content that approval is sought ASAP to enable sufficient coverage to tbe completed to produce an Annual Report and Opinion.
3. TMcC advised that whist the 2021/22 Audit Plan has not bee able to commence we have provided significant amount of advice and guidance to the Council Chair, ARAC Chair, CEO and staff members as well as conducting the data breach investigation. It was also noted that Internal Audit are continuning tto communicate with the Council Chaor and Oversight group on the matters araising from the investigation.
4. Internal Audit continue to be concerned about the ability of GTCNI to progress and action the outstanding recommendations, unsatisfactory opinions and the capacity to deliver on statutory functions.

(ii) TS said authorization was needed to let the Internal Audit plan commence and this could be escalated with the Chair of Council. At Item 2 here is an action list and this should be a standing item on the Agenda. Chair to amend agenda going forward. The CEO agreed as this would highlight capacity issues to be dealt with and stated that management had been busy with other matters. TS offered assistance to address issues.

(iii) The Chair asked if approval for the Audit Plan was to be from Council or ARAC. TMcC informed members that it was normally the ARAC previously but given there was additional costs Members agreed to go to F&GP to agree additional cost. The Chair asked the CEO to put this on the agenda for F&GP and ARAC can make recommendations to F&GP. GF suggested this be done by email as it would be quicker. The Chair said he would forward on. TMcC clarified additional cost for 8 days of charge. JW added that ARAC needs to keep an eye on recommendations and the pressures need to be escalated to Council. The CEO pointed out there were no financial issues in the budget. The Chair asked if members were content with meetings on external audit and TS highlighted the previously held IA and EA meetings with Committees with no officers present and would recommend reinstatement of these. The Chair said this could be done.

Proposed: TS Seconded: SP

13. External Audit

(i) AA outlined GTCNI’s submission of the Draft Sets of Accounts for 20/21 advising that unfortunately these were incomplete and this was out of GTCNI’s control. He said NIAO had started planning of the 20/21 Audit and that once a person has been appointed to the finance role, NIAO will discuss and agree ad audit timetable. He added that NIAO have information on VFM and good practice guides and details are available in the report and they are working on a good practice guide on school governance.

(ii) The Chair indicated that the VFM studies should be brought to PRRC for their information. He thanked AA for his report.

Proposed: RB Seconded: TS

9. Anti-Fraud, Bribery and Whistleblowing Complaints

(i) Members discussed the ongoing tribunals and one complaint being addressed by the VC on recording of Council meeting. The Chair highlighted risks to the organization and advised that this committee needs to be kept aware of these. He said the Council would be kept informed of the Industrial Tribunals. The Chair said he was concerned about communications with outside agencies and was aware of staff being off sick. He was concerned that a member of a Trade Union had been informed why a member of staff was off sick. The CEO advised that the HR Committee was aware of the Tribunals and that the Chair, Vice Chair of Council and Chair or ARAC had met with DSO and said it was necessary to be circumspect about these matters and will be dealt with by Legal Advice. The Chair said he was concerned about the cost to teachers money and that the DSO had agreed to produce a report for council that he had hope to being to this meeting, however this had not happened, but would need to read this report before commenting. The CEO highlighted the risk to sharing details of these to Council under current circumstances. The Chair indicated that Council should be aware and the CEO said they had been informed for 2 years. He said the HR Committee had been informed and one case related to a dismissal and one to a grievance. He reiterated the need for confidentiality and being circumspect. TS added that tribunals cannot be stopped and the HR Committee are the correct committee to be informed and the less people know the better. He said he had confidence in what the HR Committee is doing. The Chair advised that TS has been assured that the HR Committee has dealt with this. The Chair added that the Chair and Vice Chair of Council attend the HR Committee and know that there are tribunals but do not know any more detail. The CEO advised that the HR Report had been brought to Council but not taken and this was not his fault. All members receive the Committee Minutes and there is nothing that Council or Committees need to make a decision on at the moment.

(ii) The Chair noted his shock that the Chair and Vice-Chair of Council were unaware of what the nature of the complaints made in the Industrial Tribunals were about and did not accept that the HR Committee are dealing with the Tribunals effectively. There is a difference between being advised that there is an Industrial Tribunal and being advised as to the nature of the Tribunal being taken against you. TS said this was a matter for Council to deal with. Chair of ARAC to email Chair of HR Committee.

(iii) The CEO refuted the allegation that they are not being told and said the Committee does not wish to know all the details. The Chair said he would resolve the matter simply by asking the Chair of HR, The CEO responded, good luck with that, he has not responded to any of my emails for 6 months.

10. Corporate Risk Register

*13.05 AA left the meeting.*

(i) The Chair advised that the Risk Register is to be agreed today and recommendations passed to Council. The CEO said he had nothing to add as discussions had already taken place at previous meetings and amendments from those meetings updated.

(ii) The Chair discussed ownership of risks and the identification of the Chair of Council as an owner of risk without his consultation. He said there appeared to be a breakdown in communications between CEO and the Chair of Council to the detriment of GTCNI and communications need to happen. The CEO said this risk is the Council’s risk and he has mentioned this to the Chair and it has come up in MOM meetings. He said he was happy to change the risk owner to Council. The Chair advised that he was not disputing that it should be owned by the Chair of Council but discussion needs to take place with the Chair of Council. The CEO said this can be one at Council.

(iii) At Page 5, Point 4 on Council Functions. The Chair disputed this was not a primary cause of poor governance and should be moved to ‘As a consequence’.

(iv) TMcC discussed whether the fact that there is reduced number of council members on Council was an influence to this point and members discussed why these members resigned and the Chair asked if appointing bodies have been asked for replacements. TMcC advised that maybe the wording of the risk could be causing confusion. TS indicated that there was an advertisement in the press looking for nominees and the CEO said the DE were taking recruitment from various organisations and the process was working through. He said he did not think it was sensible to ask for appointments until the review was completed. The Chair stated that was not the call of the CEO to decide. . The Chair added that it was the Registrar’s role to contact these nominating bodies and seek their appointment to council, adding we need to keep reminding them to keep ourselves right. The CEO added that legislation does not need to state they need to appoint and said that the Committee and Council should take cognisence of the situation and be reasonable in all of this. The Chair noted that Council functionality did not deplete and this point should be changed to ‘As a consequence’. He asked if Committee were content.

(v) JW indicated that these are two separate items and he sees the Council as dysfunctional as it was depleted by resignation and withdrawal and he was not happy that these are together. The CEO suggested 2 distinct consequences and the Chari asked if members were content.

(vi) TS requested if the Committee would see a copy of the review which could help clarify matters. AB said the report would go to the Education Minister and it will be for her to decide what will be published or not and the report is not finalized as yet. TS said he could not understand why people would not nominate until they knew the future of the Council. The Chair said these bodies may not see the report and we should still remind them of their obligation to appoint under current legislation adding that some of these bodies may not even be aware that their appointed member has resigned. The CEO informed members that there had been another resignation from an elected member and he would check who is next in line. The Chair repeated that the CEO should write out to all appointing bodies to request new members to keep ourselves right.

(vii) The Chair indicated that the MSFM not being adhered to is a risk and contributed to poor governance. The CEO said this risk relates to structure in place in the governance framework. The Chair and CEO discussed and the Chair said he was content to let this go.

(viii) Post Completion of Independent Review – the Chair said this needs to be removed as Council has no control. The CEO said he would delete this. The Chair suggested the insertion of a date as a target and suggested mid October. Proposed dates had been sent out. Members discussed this and noted that some people may have missed these dates at the end of the document. SP asked for the document to be resent.

(ix) TS advised he was unsure of the benefits of going through the Risk Register and said it would be better to try to get risk scores down and have an action plan and said this could be discussed at a workshop. GF agreed and said it would help to prioritise risks. TS suggested speaking to the Chair of Council regarding the need for a workshop.

*13.40 TMcC and CS left the meeting*

(x) The Chair highlighted the importance of prioritizing risks, action to be taken and ownership of risks. GF added that this approach needs to be recommended to Council. The Chair recommended members look at TMcC report and take this alongside the risk register and try to get back to a satisfactory opinion. TS suggested a standing item on ARAC and Council agenda. The Chair agreed and asked if members were content. TS added that if needed an external resource could be used. GF said this was a priority for Council and AB concurred. It was agreed that the Chair would email members for their thoughts and also would have discussion with the Chair of Council re ownership of risks.

(xi) Members agreed this was a very important matter and agreed on the actions suggested.

(xii) The Chair advised he was content to discuss other items offline with the CEO and would advise Council of the Committee’s views.

15. Direct Award Contracts

(i) The Chair indicated that this paper was provided for information and asked for concerns. The CEO advised the process of the DAC and said it relates to the replacement of the Registration System. He highlighted the need to get a resource to work with the Project Manager. There are no other DACs.

(ii) TS suggested this be noted and said that if the Department have any concerns they will flag up. The CEO said that a member of staff may be redeployed to assist the PM. GF highlighted the new requirements in respect of the Contracts Register and that DOF require that people have the right skills. The CEO advised that there is no one who has Tender Evaluation Training and suggested this should take place. Hopefully to complete October/November.

(iii) Members discussed the renewal of the Millar contract and the CEO advised of present arrangements and said he would keep this under review. The CEO said that data would not be put at risk and there would be plans for potential contingency arrangements.

(iv) The Chair enquired about the PM contract and the CEO advised this was an outside contract and that progress was being made. Costs for the PM were discussed and the CEO outlined these and said there had been difficulty in getting a PM.

Members noted.

16. Business Plan Update

(i) The Chair provided the update and asked if it had been accepted by Council. The CEO advised it had been on the agenda twice and had been circulated with no comments received. It had been through Committees who have agreed the points and the Chair said he was content to raise this with the Chair of Council.

17. Budget Allocation 2020/21 Review

(i) The CEO advised he was working with the Finance and Admin Officer at the moment and has had a meeting with Headstogether who are having difficulties with recruitment agencies. There is a plan to bring in a temporary Finance person and then move to permanent. The Chair enquired about the qualifications of the persons preparing the report and GF advised that the CEO would stand over this as Accounting Officer. Accounting experience is needed in the preparation of the yearly accounts.

(ii) The Chair enquired if the Council was operating within budget and the CEO took members through the budget advising that by December we should know what the income would be.

Members agreed they were content and the paper was noted.

18. Capital Projects Update

(i) The CEO advised this had already been covered and updated members on the upgrade of the registration system and spoke of the development opportunity for a member of registration to assist the PM and said that a member of staff may need to be redeployed.

Members were content.

19. Any other business

(i) The Chair indicated that A Chambers had assured the Eduation Committee that they would be moving towards screening and asked why delay. The CEO indicated the need to free a resource and is working on this and that the Chair and Vice Chair of Council have volunteered to assist. Members discussed the timeline and the CEO added that he knew of one case that needs addressed. The Chair said that by the next meeting there may be a report.

Appraisals of Council Members

(i) Members discussed the self evaluation forms which had been sent out. The PA is to liaise with the Chair of Council as these may have been overlooked and need to be completed.

Workshops

(i) The CEO said that there should be discussions at the Council meeting regarding a date for workshop.

(ii) Members discussed the use of Zoom and it was recommended to continue with it for the forseeable future. The CEO advised that there are no plans for an imminent return to the office as there is a lot of preparation work to be done and he said staff may not return before the new year.

(iii) The Chair indicated that the welfare of children and teachers in schools during Covid needs to be flagged up.

20. Date of next meeting

Friday 12 November 2021

The meeting ended at 14.30.

ACTION POINTS

Item 8 Matters Arising

Para (ii)

The Chair offered to work with TMcC on a proforma on skill sets.

Para (iv)

Independent Audit Recommendations - TS requested that the Chair of ARAC speak to the Chair of Council to request time for this to be discussed at the Council Meeting.

11. Major Incidents

Para (iii)

The CEO to open conversations with DBS at the end of the month on possible options for a long term solution.

12. Internal Audit

Para (ii)

IA Plan Action List. - Chair to amend agenda going forward to have action list as a standing item.

Para (iii)

(iii) The Chair asked the CEO to put the Audit Plan on the agenda for F&GP and ARAC can make recommendations to F&GP. GF suggested this be done by email as it would be quicker. The Chair said he would forward on.

9. Anti-Fraud, Bribery and Whistleblowing

Para (ii) Chair of ARAC to email Chair of HR Committee re Tribunals.

10. Corporate Risk Register

Para (x) It was agreed that the Chair would email members for their thoughts and also would have discussion with the Chair of Council re ownership of risks.

15. Direct Awards Contracts

Para (ii) The CEO advised that there is no one who has Tender Evaluation Training and suggested this should take place. Hopefully to complete October/November.

16 Business Plan Update

Para (ii) The Chair provided the update and asked if it had been accepted by Council. The CEO advised it had been on the agenda twice and had been circulated with no comments received. It had been through Committees who have agreed the points and the Chair said he was content to raise this with the Chair of Council.

19. Any other business

Appraisals of Council Members

Para (i)

The PA is to liaise with the Chair of Council as self evaluation forms need to be completed.

Workshops

Para (i)

The CEO said that there should be discussions at the Council meeting regarding a date for workshop.

Para (iii)

The Chair indicated that the welfare of children in schools during Covid needs to be flagged up.