**MINUTES OF THE ARAC MEETING**

**HELD ON WEDNESDAY 21 JULY 2021**

**BY ZOOM**

**Present:** R Beggs (Chair), D Baxter (DB), S Parlour (SP), T Salmon (TS)

**In Attendance**: S Gallaher (CEO), G Devlin (SEO), G Fair (GF), T McCavigan (TMcC), C Shaw (CS), A Boyd (AB), A Allen (AA), L Dickson (PA)

**Apologies:** J Wilkinson (JW)

1. **Election of Chair and Vice Chair**

RB sought nominations from the Committee.

SP nominated RB for the post of Chair. RB said he was content with his nomination.

Seconded by DB. RB was elected Chair of ARAC.

RB nominated SP for the post of Vice Chair. SP was content with her nomination.

Seconded by DB. SL was elected as Vice Chair of ARAC.

**2. Apologies**

An apology was received from JW.

**3. Declarations of Interest**

No declarations of interest were received.

**4. Minutes of the meeting of 4 May.**

It was agreed that these would be reviewed at the September meeting.

**5. Matters Arising/Actions**

(i) CEO to seek legal advice. TS requested that this item be held until after he left the meeting. RB asked the CEO to supply the legal advice to the Committee by email.

(ii) The CEO advised he had not received anything formal from DSO but would send round details of the present position and had written to the previous Chair of ARAC on the matter. He advised that the Committee should undertake a needs analysis and it was for the Committee (and Council) to determine any requirement for independent membership and the tenure and scope of such role. There is no statutory requirement but there is guidance to consider. RB enquired if the Council had approved the independent member and the CEO advised this was approved in 2019/20.

(iii) Training needs. There was to be discussion at the HR meeting. The CEO advised that it was not discussed formally. A Council effectiveness review is being carried out by the Chair following which it would be appropriate to determine training for members. Possible training courses have been identified for F&GP members, scheduled for the autumn. The Chair voiced his concerns that the HR Committee are not looking into it and the CEO said that members can express their training needs through appraisal under the annual effectiveness review. TMcC added that this matter was raised a number of years ago that each committee needs to consider a formal skill set review. The CEO indicated that a skill set review was done in early 2020 when forming the present Committees but should be repeated. The Chair asked TMcC if the HR Committee should look at this but TMcC said it was up to each Committee to identify their needs and then advise Council and the Chair to take up.

The Chair indicated he would put together a document for ARAC identifying needs and would pass this to the Chair of Council then the HR Committee could look into providing a timetable for training. The Committee were content with this.

(iv) Cost of Repairs to Registration System

The Chair enquired what the overall cost was at this stage. The CEO provided details i It was agreed that a summary be circulated to members. The Chair asked for the actual cost to date as there is risk of massive overspend. . The CEO advised there is no risk of a massive overspend. Investment has been approved and is being managed accordingly.

The CEO queried if monitoring such expenditure was not the remit of the F&GP Committee.

(v) Project Initiation Document

The CEO advised this had been brought to the last Council meeting and approved.

(vi) Independent GTCNI Council Effectiveness Review

The Chair asked if the report would be shared with Council as he had concerns and has heard nothing to date about the report. TS said he doubted this was a matter for ARAC but would be a Council matter. The Chair said that ARAC should have access to everything and if there are concerns then the Committee should look at those as it is their job to scrutinize and determine any risk. If the report is not shared it is a huge risk. GF emphasized the importance of focusing on ARAC’s Terms of Reference. TS highlighted that there are a number of important issues at this time such as the Registration issue and it is the responsibility of each Committee respectively to focus on issues within their scope. TS said he did not know if Council will see the report from Baker, Tilly, Mooney, Moore but the key is how take things forward. AB added that the report was commissioned by the Minister and ultimately it will be her decision. The Education Committee also wished to see the report.

*DB left meeting at 11.00*

The Chair enquired if the Committee could set aside the order of the Agenda and go to details of the Special Meeting and asked about Registration.

The CEO advised there had been a further meeting on 20/07/2021 with DBS and officials from DfE England and that the SEO provided members with an update the previous week. The CEO advised that DBS had agreed to undertake checks associated with the backlog and these were now complete. No solution is forthcoming from DfE England and really a Northern Ireland solution is required. In the interim DBS have agreed to undertake the necessary checks for GTCNI for the next 3 months. It is estimated there could be 20-40 checks per week and a process will be put in place for this. The arrangement with the EA can be suspended. The CEO and AB are to meet to consider options worth exploring for a longer term solution. He said that as volumes are insignificant an ongoing arrangement with DBS might be possible but this cannot be depended upon. . TS indicated he was comfortable with progress and asked if there had been any issues with those already processed. The CEO said it was unlikely but the data had just been returned. TS said a longer term solution was needed as a matter of urgency. The matter of self-declaration was discussed. The CEO is to check out previous legal advice and was of the opinion that such a declaration has value. SP enquired why the CEO has not seen the legal advice. The CEO indicated this predates his appointment by some time and was probably immaterial in light of legal opinion received in 2019 TS advised that if there is a legislative weakness the Department would need to know and asked if self-declaration is used in other jurisdictions. The CEO said DE are aware of the weakness in the legal framework and advised that Wales and RoI employ self-declarations. TS asked if the Committee can be reassured a working group will pursue a longer term solution. The CEO advised that this would be the case. TS indicated that PRRC should be provided with regular updates The CEO will issue an update. TS asked if the 3 month period would be sufficient to address the issue. The CEO said it should be. The Chair advised that the Committee are content with the short term fix and the risk to Council would is reduced for the next few months but what happens after that needs to be determined at as a matter of urgency. He enquired about allowances for the Registration Team and said there is a risk to staff welfare. He enquired how the applications get to the Registration team. The CEO explained that the Council does not have an overtime policy but operate a flexi-time system. The matter of addressing the present backlog was being considered.

The Chair voiced his concerns over security. The CEO advised members the process for dealing with the post in GTCNI.

The Chair said he was content that a short term solution had been found with DBS and took on board TS’s points re self-declaration. The Chair said application forms could be amended so data could be shared with other organisations. TS said we could use this as part of the process and if there is legislative weakness DE could take it on board. The Chair highlighted that the Council are not employers of teachers. TS said he was comfortable with where we are but wants ongoing reassurance and asked for an update every two weeks for next couple of months to ensure the solution is working. The Committee agreed.

*Break 11.30 to 11.40*

The Chair thanked the CEO for his reassurance and asked for a return to the Agenda.

Points (vii) to (xii)

The Chair advised that the CEO was to speak to the previous Chair of ARAC and asked for an update. The CEO said he had spoken to the previous Chair regarding the HR Committee and the Corporate Risk Register had been updated and circulated.

The CEO confirmed the previous Chair had amended his report and this was circulated to Council but not taken at the last meeting. The CEO has amended the Governance Statement and this was circulated to Council. He advised this document will continue to change.

**6. Minutes of 5th July**

The Chair voiced concerns about drafting of minutes. SP enquired if anyone had sent in amendments. The Chair said that TMcC and the CEO had done so. The Chair reminded the CEO that he is not a member of ARAC but rather attends the meeting and should not suggest amendment to the minutes. It is the role of the Committee to amend the minutes. The CEO indicated he had provided points for clarity and accuracy. GF advised that the Secretariat prepares minutes and it is normal for someone such as the CEO to propose changes for the Chair’s consideration. Chair to send minutes to the PA to circulate.

**7. Matters arising/ Actions**

Deferred until members see amendments.

**8. Data Breach**

The Chair was concerned that it appears no officer is trained to deal with data breaches and advised that an oversight Committee had been set up. He had concern over how data was managed within GTC. Staff have been trained in data protection. The Chair asked for reassurance that all staff are aware of what is required of them and that the doorman has no access to offices or computer system. The CEO confirmed such access has been removed. It was noted that the equipment relating to the registration system will be obsolete when the new upgraded system goes live w/c 02/08/2021. Locks to entrance doors have been changed and alarm codes are to be changed. The Chair said the Committee can be reassured the situation is being monitored and Council will be updated. SP asked when a report would be available and the Chair is to enquire from the Chair of Council.

**9. Anti-Fraud, Bribery, Whistle blowing and Complaints**

The Chair advised that one complaint had been received from an applicant. The CEO advised the SEO dealt with such complaints. The Chair asked if there were any other complaints and the CEO indicated he was dealing with correspondence from the Information Commissioners Office.

**10. Corporate Risk Register**

The Chair took members through the draft document. SP expressed concern over risk ownership asked how ownership of certain risks was under the Chair of Council (BM) and not the CEO, if it was appropriate and if BM was aware of this. . The CEO indicated that this was a draft document sent to ARAC members first for comment and reflects his assessment of corporate risk, at the present time. He said he had not discussed it with BM, but considers the risks in question sit with the Council. SP enquired if the CEO had taken this decision without consulting with BM. The CEO indicated that if the Committee deems it more appropriate for the CEO to be the named owner that is their view but that Governance and the Governance Framework is Council’s responsibility. Recent resignations from Council are a concern and the governance framework is inadequate. SP said there does not seem to be any communication between the Chair and CEO and this suggests dysfunctionality.

GF advised that normal practice is that officials will advise the Council. SP said she thought it unusual that lead owner has been transferred to BM if he did not know about it. The Chair said he had asked BM and he had no knowledge of it. The CEO said it was a draft document under review, it was not naming BM per-se but rather highlighting those risks that were specific to Council and the Committee could amend if desired. The Chair voiced his concerns about this being a risk to the organization.

At Page 3 Risk1 the Chair indicated that in the day to day operation of the Council the CEO is also the Accounting Officer and that is why the CEO should be lead owner. The CEO said this risk was about the overall governance framework which are Council’s responsibility. The Chair said good relationships would be the CEO discussing this with the Chair.

Risk 5. Legislative Framework. The Chair said the Perm Sec and not BM should be responsible as Council has limited control over this. SP asked if someone from DE could explain how BM would be responsible for legislative framework. GF added there has to be clarity as to what Council has control over. Identification of risk owner is to ensure accountability and this rests ultimately with the Council. GF indicated there would be benefit in a workshop to focus on key risks which could also involve DE. Members discussed the process of getting legislation changed and TMcC said the owner could be the CEO or BM or both. The CEO said it could be changed to both.

Risk 6. The Chair advised this lies with the CEO and the CEO said it was the Council’s risk, highlighting that a strategic exercise was required on income as indicated in the Corporate Plan but F&GP had requested this be removed from the Business Plan this year. The CEO said this was a major risk to the organization. The most appropriate person to address this would be the Chair of F&GP along with the CEO.

Members discussed Special Measures and the Chair said that previously as DE official had helped lead the Council out of Special Measures but this leadership role is not there. TS advised leadership comes in a number of forms. GF said it had to be recognized the amount of DE resource invested in GTCNI with little progress. The Chair said it would be useful if DE attended Council. . The Chair indicated that in some organisations, Committees took ownership of risks to ensure they were mitigated. The CEO said it could be joint ownership and this was for the Council to decide stressing that the draft document would l be discussed by Council. GF added that it was important that Council are content that appropriate risk owners are identified and aware of their roles. TS suggested that a joint meeting be held as soon as possible to get consensus.

The Chair said that in light of present action the scoring of Risk 11 should change.

The CEO indicated that the scoring of Risk 8 will change when the upgraded system goes live.

The Chair said he would approach the Chair of Council about getting together on the risk register and members can make suggestions prior to this meeting. The CEO said we would need to think carefully about timing and a risk workshop could possibly be held at end of September. The Chair said he would like this earlier. The CEO said this may not be possible due to holidays.

The Chair spoke about Council resignations and asked if the SEO would be seeking replacements. The CEO said it was not the SEO’s responsibility. The Council was down two elected members and he would be minded to wait until the independent review reported. The Chair said that in the event of an elected individual resigning the next person with the highest mandate should be invited. The CEO said that was a matter for the Council to consider. The Chair said he thought it would be totally imprudent to wait on the report as Council may never have sight of it and should follow procedures now.. SP agreed indicating that replacement members would need to make arrangements for attendance at meetings. The Chair agreed and said appointed organisations should also put forward new members.

Members discussed the retirement of the SEO and the CEO advised that the SEO had tendered his notice. He said he will address this alongside addressing the finance and registration manager vacancies. The Chair said there was risk due to staff members leaving and enquired if this was reflected in the Risk Register. The CEO said it is reflected under Risk 10. The Chair said the Council was in a difficult situation and it has a duty of care to its staff. He added that the HR Committee needs to be aware of this.

**AOB**

None

**Date of Next meeting**

TBC

The Chair indicated that he thought the other Committees should be held prior to ARAC and advised ARAC members that they could attend other Committee meetings as an observer. SP said she would be happy to attend other Committee meetings. .

The meeting finished at 13.00