

Title of Meeting	Meeting of the Public Health Agency Governance and Audit Committee
Date	3 December 2021 at 10am
Venue	Via Zoom

Present

- Mr Joseph Stewart - Chair
- Mr John Patrick Clayton - Non-Executive Director

In Attendance

- Mr Stephen Murray - Interim Assistant Director of Planning and Business Services
- Ms Tracey McCaig - Interim Director of Finance, HSCB
- Ms Andrea Henderson - Assistant Director of Finance, HSCB
- Mr David Charles - Internal Audit, BSO
- Mrs Catherine McKeown - Internal Audit, BSO
- Ms Christine Hagan - ASM
- Mr John Irwin - NIAO
- Mr Robert Graham - Secretariat

Apologies

- Ms Deepa Mann-Kler - Non-Executive Director
- Mr Stephen Wilson - Interim Director of Operations
- Mr Roger McCance - NIAO

		Action
52/21	Item 1 – Welcome and Apologies	
52/21.1	Mr Stewart welcomed everyone to the meeting. Apologies were noted from Ms Deepa Mann-Kler, Mr Stephen Wilson and Mr Roger McCance. He welcomed Mr Stephen Murray who was attending in place of Mr Wilson and Mr John Irwin who was attending in place of Mr McCance.	
53/21	Item 2 - Declaration of Interests	
53/21.1	Mr Stewart asked if anyone had interests to declare relevant to any items on the agenda. No interests were declared.	

- 54/21 Item 3 – Minutes of previous meeting held on 7 October 2021**
- 54/21.1 The minutes of the previous meeting, held on 7 October 2021 were **approved** as an accurate record of that meeting.
- 55/21 Item 4 – Matters Arising**
- 55/21.1 Mr Stewart noted that he would pick up some of the matters arising under his Chair’s Business. He advised that he and the PHA Chair had met with the Deputy Chief Medical Officer (DCMO) to discuss the relationship between the PHA and the Department. He added that he had also attended a meeting with Ms McCaig to discuss the finance function.
- 42/21.2 Workforce Plan*
- 55/21.2 Mr Stewart advised that he had raised this with the Chief Executive and the Chair and suggested that the need to progress this is one of the reasons the Chair is keen to get a new Committee up and running.
- 44/21.16 Placement Agreements*
- 55/21.3 Mr Stewart noted that an update on this was provided at the last PHA Board meeting where it was clarified that if a GP practice has not returned a signed Placement Agreement, then no vaccinator staff are provided to that practice.
- 44/21.17 Legal Opinion*
- 55/21.4 Mr Stewart advised that it was his understanding that the Junior Counsel opinion would soon be received. He said that he would wish to see this opinion as soon as possible, as well as the question asked.
- 44/21.24 Rota and Timesheet Management*
- 55/21.5 Mr Stewart said that he has raised this matter with both the Chair and the Chief Executive.
- 56/21 Item 5 – Chair’s Business**
- 56/21.1 Mr Stewart reported that he and the PHA Chair had held a meeting with the DCMO to discuss the Internal Audit reports on the Contact Tracing Service (CTS) and the recruitment of vaccinators as both audits contained a similar recommendation about getting clarity about the relationship between PHA and the Department. In the CTS audit, he said there needed to be clarity about the ownership of the

- Service and with regard to vaccinators, there was a concern in terms of the Department issuing instructions to PHA staff which the PHA Board did not have sight of. He said that the meeting was very productive and he hoped that there would be a follow up in writing of the issues discussed.
- 56/21.2 Mr Stewart advised that with regard to the CTS, the view of the Department is that the Service would have transferred fully to the PHA had it not been for the emergence of the Omicron variant. He added that given the significance of this new variant, the Department, through the Oversight Board, will retain full ownership of the Service, but the PHA is responsible for its discharge. He said that the Department spoke very highly of the work of the PHA staff involved in the Service and that the Minister, CMO and DCMO were satisfied that there was a strong CTS in Northern Ireland. He noted that there are KPIs relating to the Service and these were reported on by the Chief Executive at the last Board meeting.
- 56/21.3 Turning to the audit of the recruitment of vaccinators, Mr Stewart said that there was an acceptance by the Department that due process had not been followed in terms of the approach to PHA. However, he added that the Department felt that it was lawful to instruct PHA to undertake the recruitment and employment of vaccinators because of PHA's primary duty to protect public health and life. He said that while he accepted that view, he would await the legal opinion on the matter. He reiterated that there was an acceptance that the approach was incorrect and that in future any such requests will come through the Chair and/or Chief Executive given their statutory relationships to the Minister and Permanent Secretary respectively. He said that while the discussion was useful, he pointed out that this was not an isolated incident and that the PHA Board has been concerned for some time about PHA staff being approached directly by the Department. He advised that this was noted by the DCMO. He said that he would wish to see a written account of the meeting.
- 56/21.4 Mr Clayton thanked Mr Stewart for the update and said that he was pleased to hear that the meeting was useful. He said that while he accepted that decisions had to be made at pace because of COVID-19, there still needs to be clear lines of accountability, command and direction. He was pleased that the DCMO has taken that on board given that this has been a concern of the PHA Board.
- 56/21.5 Mr Clayton said that it is important that the PHA Board sees the legal opinion. While he accepted that the approach from

the Department may have been lawful, he said that his concern relates more to the regulatory implications and if PHA carried out this work lawfully. Mr Stewart said that there was some discussion about the resources required for the vaccination programme going forward given the volume of vaccination that will be required, and whether PHA will need to be registered.

56/21.6 Mr Stewart reported that he, along with the PHA Chair and Chief Executive and one of the Non-Executive Directors, had met with Ms McCaig to discuss the creation of a Director of Finance post in PHA following the migration of HSCB functions into the Department. Ms McCaig assured members that PHA finance is handled separately within HSCB and even if the functions move into the Department, the staff will remain the same and the processes will remain the same so she did not envisage any difficulties. She said that there had been a review of the information that was compiled for the previous options paper and further consideration given to the correspondence from the Permanent Secretary in terms of how his request could be delivered. She advised that she would be meeting with Mrs Paula Smyth and would then prepare an updated paper for the Chief Executive. She added that whatever option is chosen, she will remain committed to supporting PHA. Mr Stewart thanked Ms McCaig for her support and the openness with which this work is being carried out.

56/21.7 Mr Stewart advised that he has asked the PHA Chair about asking one of the new Non-Executive Directors to become a member of this Committee. He said he hoped that a new member would be appointed shortly.

57/21 Item 6 – Internal Audit

Internal Audit Progress Report [GAC/40/12/21]

57/21.1 Mrs McKeown gave an overview of the audit work that has been carried out so far this year. She advised that the finance audit is ongoing and that the fieldwork is due to commence in February for the audit on vaccination programmes, although it is yet to be confirmed whether this audit is do-able this year. She added that the report of the audit on Board Effectiveness is being finalised and should be ready by Christmas. She estimated that about half of the year's audit work has been completed.

57/21.2 Mrs McKeown presented the findings of the audit on performance management and reported that a limited level of assurance was being provided with one significant finding

in that there are significant weaknesses in this area in PHA. She said that there is no updated performance management framework in place and that no updates have been provided to the PHA Board on performance management except through the Chief Executive's Report. However, she noted that a Performance Management Report had been brought to the last PHA Board meeting. Going back to the audit findings, she said that there were no performance targets or KPIs defined for 2020/21 and there is currently no measurement and assessment of outcomes. She advised that management has accepted the recommendations of the Report.

57/21.3 Mr Stewart said that, on reading the report, he queried whether the context took into account the situation that PHA is currently facing in that it has been in business continuity mode since early 2020 and all efforts have been directed towards dealing with COVID-19, including taking staff away from their normal posts to deal with contact tracing with them only having recently returned to their normal roles. He added that while Non-Executive Directors are pleased to see a new Performance Management Report having been brought to the Board, he felt that the situation PHA was facing should have been factored into the Report. Mrs McKeown said that while she appreciated those comments, she felt that there was no visibility of PHA's performance in those areas where work was continuing. She said that there was a need for the Report to have a sense of where performance management was across the whole organisation.

57/21.4 Mr Clayton said that this is a significant report, not solely because of the fact that a limited assurance was received, but because this has been an area of concern for the PHA Board both before and during the pandemic, and is one of the reasons the Chair has been wishing to establish a new Committee. He said that the Board needs to know if the organisation is performing against its objectives and how that is measured. He noted that it is likely that PHA will be dealing with COVID-19 for many years so there is a need to be able to measure the impact of COVID-19 on other areas. He asked about KPIs and if the Board is aware of what these are. He suggested that it may be worth discussing this Report at the next Board meeting, although he acknowledged that the Chief Executive had initiated a step in the right direction by bringing a new report to the Board. He also noted that the outcomes in PHA's Business Plan reflect those that were in the draft Programme for Government which was never formally agreed so this is an issue the Board may wish to tease out. He asked how does

- PHA know that it is making a difference, how does it measure success and how is it dealing with health inequalities? He reiterated that it may be worthwhile having a discussion at the next Board meeting and also a discussion about the new Committee. He said that this is a critical report for PHA at a critical time.
- 57/21.5 Mr Stewart agreed that this is a significant report and that the Chief Executive did bring a report to the Board that addresses some of the issues. However, he said that there is a challenge for PHA in terms of being able to set objectives over which it has overall responsibility instead of objectives where it has to work with the Department or HSCB. He added that PHA needs its own identity. He agreed that the Chair will want to see the new Committee having a role in terms of performance management. He added that as the Board meetings only happen monthly and have busy agendas, this new Committee could help promote a discussion on strategic direction and bring its proposals to the Board for endorsement or amendment.
- 57/21.6 Mr Murray advised that PHA is presently developing a new performance management system which will look at how PHA can report on those objectives for which it has responsibility and what influence it is having outside the organisation. He added that a new framework needs to be developed which is clear on the purpose of PHA, what is responsible for, how it will deliver that, and how it will deliver the longer term outcomes contained in strategies like, for example, Programme for Government, Making Life Better and Protect Life 2. He said that systems and processes need to be developed to look at what PHA is directly accountable for, and what it is contributing to and that he has been asked to lead on this work which will be given priority over the coming months.
- 57/21.7 Mr Murray advised that in terms of the audit plan for this year, an issue has been highlighted from the public health directorate about whether the audit of vaccination programmes can progress as the emergence of the new variant has impacted on their work. He said that the timescales will be challenging and there may need to be a look at the deliverability of this in-year which AMT will need to consider. Mr Stewart asked that AMT give this consideration and discuss it with Mrs McKeown before coming back to the Committee. He added that there was a discussion about the new variant and its implications for PHA at the meeting with the DCMO.
- 57/21.8 The Chair thanked Mrs McKeown and Mr Charles for their

work on the performance management audit which he said will be used as a lever to enhance work in this area going forward.

57/21.9 Members noted the Internal Audit Progress Report.

58/21 Item 7 – Corporate Governance

*Corporate Risk Register as at 30 September 2021
[GAC/41/12/21]*

58/21.1 Mr Stewart noted that there has been considerable work to progress some of the issues on the Corporate Risk Register. He queried whether some of the actions rated “low” needed to remain and whether all of the actions rated “high” need to have that rating. He said that the Register needs to be reviewed in detail by the Agency Management Team (AMT).

58/21.2 Mr Murray agreed that there needs to be a fundamental review of the Register with some risks possibly moving to directorate risk registers. He suggested that given other pressures, the Register did not receive the in-depth review that was required and but this would take place when it is next reviewed at the end of December. He advised that there is one new risk which relates to cyber security.

58/21.3 Mr Clayton asked about risk 26 relating to procurement, and noted the new social values procurement policy that has come into being and asked whether it has implications for PHA. With regard to risk 48 on the PHA website, he noted that the website may be moving to under the NI Direct platform and he asked if this was the most appropriate and visible place for it. Turning to the new risk on cyber security, he queried the rationale for its inclusion, and whether this was due to a particular incident, or was merely a general concern. He noted that there are two risks on the Register relating to workforce pressures, one in public health and one for HSCQI, and he suggested that there should be a general risk on the Corporate Risk Register about workforce, and then a more detailed risk on the relevant directorate risk registers. He also noted the reliance on agency staff working on the PHA website and asked if there is a wider workforce issue that needs addressed.

58/21.4 Mr Stewart said that he agreed with Mr Clayton’s point about workforce issues and he would be asking Directors to review exactly where the vacancies are. He also agreed with Mr Clayton’s suggestion about having a more general risk on staffing which directorate risk registers can feed into.

58/21.5	<p>Responding to Mr Clayton’s queries, Mr Murray began by advising that PHA is actively looking at the outworking of social value procurement which he said feeds into PHA’s philosophy as PHA’s tenders are social value based so there is a need to put in a scoring mechanism and this will be built into the planning process. In terms of the website, he advised that PHA is under the direction of the Civil Service and that all websites have to go through NI Direct, but he said he would ask Mr Wilson to come back to the Committee with more information on this. He said that the risk for PHA is the length of time it is taking to get information across to the new site. On the cyber security risk, he said that he was not aware of any specific issues, and it is more that the HSC, as a system, is ensuring that all its expertise is brought together. He agreed with the suggestion of having one risk to cover workforce. Mr Clayton said that he welcomed that social value procurement is part of PHA’s planning process and that this is a positive step.</p>	Mr Murray / Mr Wilson
58/21.6	<p>Mr Stewart commented that in risk 54 around commissioned services, it was reported that 96% of providers are delivering services fully, or with reasonable adjustments, therefore he did not feel that this was a risk. He said that while it is good that risk registers are being kept live, they should accurately reflect the current situation. He also suggested that the level of detail needs to be reviewed.</p>	
58/21.7	<p>Ms McCaig advised that with regard to the cyber security risk, all organisations have been reviewing their own arrangements, but this is managed centrally by the digital team.</p>	
58/21.8	<p>Focusing on risk 58 concerning staff resilience, Mr Stewart expressed concern that as the current pandemic shows no sign of ending, there will be a lot of staff with a huge amount of annual leave left to take and very little opportunity to take it. He said that he would raise this with the Chief Executive. Ms McCaig said that her team has been doing a mid-point review of annual leave as this is an accrual in the accounts which will be referenced in the next Finance Report and she agreed that there is an issue as there has not been the same level of leave used so far this year. Mr Clayton said that across other HSC organisations staff are being approached directly to see what support arrangements can be put in place for them. He agreed that this is an issue and may be worth further discussion at next week’s Board workshop. Ms McCaig said that the situation is difficult to predict given that a number of staff were redeployed to contact tracing so it is not clear whether there is an</p>	Mr Stewart

- opportunity for them to take leave.
- 58/21.9 Members **APPROVED** the Corporate Risk Register.
- Operations Directorate Risk Register as at 30 September 2021 [GAC/42/12/21]*
- 58/21.10 Mr Stewart said that the Operations Directorate Risk Register was clear and to the point and he asked Mr Murray if there were any particular issues he wished to draw members' attention to. Mr Murray replied that he had no matters he wished to refer to noting that much of the work of the Operations directorate straddles the organisation as a whole so those risks would be on the Corporate Risk Register.
- 58/21.11 Mr Murray noted that there had already been a discussion on the issues regarding the PHA website. He advised that there is a risk around the staffing infrastructure to support information governance. He reported that a Digital Manager will be appointed shortly to address some capacity issues and to ensure there is a smooth transition of the website to NI Direct.
- 58/21.12 Mr Clayton asked about the reliance on agency staff and asked how many agency staff PHA was employing. He suggested that COVID-19 may be playing a part in terms of the recruitment process. Mr Murray agreed that there are demands on the system as a whole with the number of new posts being created and consequently there is an issue in terms of the speed with which these posts can be recruited. Furthermore, he pointed out that if an internal appointment is made, this creates another gap. He said it can take up to six months for a recruitment exercise to be completed if an external candidate is appointed.
- 58/21.13 Members **APPROVED** the Operations Directorate Risk Register.
- Update on Use of Direct Award Contracts April 2021 – September 2021 [GAC/43/12/21]*
- 58/21.14 Mr Stewart said that he had no particular queries on the update on Direct Award Contracts (DACs). He noted the one rated "red" which concerns the Lifeline service and which had been discussed at the last meeting. Ms McCaig reported that there is an element of that DAC that was not signed off by the Permanent Secretary which she is seeking clarification from DoH as to whether this will be considered as irregular spend. She advised that this is currently being

	<p>reviewed with the Department and noted that it is a small amount. She added that the Chief Executive had indicated his wish to move away from a reliance on DACs, and she undertook to get clarity on the irregular spend in advance of the next meeting. Mr Stewart asked what the issue was with the DAC. Ms McCaig explained that as there was a delay in processing the DAC and PHA had to seek a retrospective approval for approximately £5k. Mr Stewart thanked Ms McCaig for bringing this to members' attention, but noted that there are difficulties for DACs if there is only one supplier.</p>	Ms McCaig
58/21.15	<p>Mr Clayton sought clarity on the use of "user preference" suppliers. He also noted that there appears to be an increase in the number of DACs, but he welcomed the fact that the Chief Executive is aiming to move PHA away from this approach. Ms McCaig advised that user preference can happen where perhaps a supplier has already carried out work in a particular area or that organisation is the only one that can carry out the work at that time. However, she pointed that they have all been rated "green" and that every DAC is reviewed by the Procurement and Logistics Service (PALS) and she reiterated the Chief Executive's wish to move away from the use of DACs.</p>	
58/21.16	<p>Members noted the update on the use of Direct Award Contracts.</p>	
59/21	<p>Item 8 – Any Other Business</p>	
59/21.1	<p>Mr Stewart asked if the Information Governance Steering Group was continuing to meet. Mr Clayton said that as far as he was aware, meetings were still happening but he had not attended one since the summer. Mr Murray said that he would check this with Mr Wilson and Ms Karen Braithwaite. Mr Stewart said that given the number of risks on the Corporate Risk Register relating to data, there is a need for that group to be meeting.</p>	Mr Murray
59/21.2	<p>As there was no further business Mr Stewart thanked members for their attendance and drew the meeting to a close</p>	
60/21	<p>Item 9 – Details of Next Meeting</p> <p><i>Thursday 27 January 2022 at 2pm</i></p> <p><i>Fifth Floor Meeting Room, 12/22 Linenhall Street, Belfast.</i></p>	

Signed by Chair:

Joseph Stewart

Date: 27 January 2022