



Independent Monitoring Authority
For the Citizens' Rights Agreements

Minutes

Board Meeting

Date	22 January 2021
Time	10am
Location	MS Teams
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>Kate Chamberlain, Interim Chief Executive</p> <p>Andrew Bagley, Director of Governance and Corporate Services (Executive Member, Item 3 onwards)</p> <p>Pam Everett, Director of Operational Delivery (Executive Member, Item 3 onwards)</p> <p>Rhys Davies, General Counsel (Advisor, Item 3 onwards)</p>
Apologies	None
Additional attendees	<p>Helen Jenkins, Senior Governance Manager (Secretariat – all items)</p> <p>Anna Meredith, Head of Strategy and Communications (Item 8)</p> <p>Andrew Humphrey, Head of ALB Strategy, Partnership and Reviews (MoJ) (Item 9)</p> <p>Martin Rowlands, Senior Finance Manager (Item 10)</p>

1. Welcome

1.0. The Chairman welcomed all non-executive members to the first formal IMA Board meeting.

2. Appointment of Executive Members

2.0. The Chairman introduced the paper highlighting the need to appoint executive members to the IMA Board to ensure its formal constitution. Option 2 of appointing Andrew Bagley, Director of Governance and Corporate Services and Pam Everett, Director of Operational Delivery as executive members and inviting Rhys Davies, General Counsel to attend all meetings was recommended. No objections were raised.

Decision: Option 2 approved.

3.0. Newly appointed executive members and General Counsel were invited to join the meeting.

4.0. The Chairman extended a welcome to the executive members and General Counsel. The Chairman formally thanked the interim Chief Executive and IMA staff for the hard work in recent months in getting the IMA to its current point, recognising no major incidents had occurred during the go live period earlier in January 2021.

3. Declaration of Interests

5.0. The secretariat shared on screen the first Register of Interest. This is a formal requirement as per the European Union (Withdrawal Agreement) Act 2020. This will be shared as part of papers for each Board meeting and published on the IMA website. No further declarations were made.

Decision: Register of Interest approved for regular circulation, updates and online publication.

4. IMA Board Delegations

6.0. The Chairman highlighted it is standard practice for a board to delegate certain responsibilities to its Committees and its Executive. Andrew Bagley (AB) then outlined the process for drafting the proposed delegations, explaining that approved delegations would be added to relevant Committee and Executive Team Terms of References.

7.0. Board members were broadly content with the proposed delegations. The importance of pre inquiry research was raised and requested that be added to the Executive Team delegations.

Action: Secretariat to add Pre-Inquiry Research to Executive Team delegations.

8.0. Board members discussed the importance of being aware of potentially sensitive or contentious inquiries. The Chief Executive confirmed that the timing of decision making would allow the Delivery and Impact Committee to take a view and ask questions ahead of launching an inquiry or when deciding not to launch an inquiry on a potentially contentious issue. The Board requested a framework to highlight what the Board should be aware of and what it should be involved in based on political or reputational criteria.

Action: Inquiry Team to draft criteria for which inquiries Board members will be made aware of and which may need discussion at Delivery and Impact Committee.

Decision: Chief Executive will discuss potential inquiries with the Chair of the Delivery and Impact Committee prior to the final decision of whether to launch an inquiry or not.

Decision: Board delegations are approved subject to requested amendment.

5. Board Terms of Reference

- 9.0. AB introduced a draft Board Terms of Reference for discussion highlighting that this has been drafted using examples from other public sector organisations. AB noted that this will be updated to reflect the previous discussion regarding delegations
- 10.0. The Board discussed the format or nature of an open board meeting and transparency of their work, recognising the balance between openness and the need to ensure thorough scrutiny and honest discussions. The Board agreed to host a separate Meet the Board session to create an opportunity for EU citizens to ask questions of our work. The Chief Executive suggested this would be timely following publication of each Annual Report and Board members agreed.
- 11.0. The Board agreed to publish Board Agenda and Minutes on the IMA website but not Committee minutes. This commitment will be included in the IMA Publication Scheme.
- 12.0. As a new organisation, Board members agreed to review the Terms of Reference in six months once there has been time to settle and see how delegations and processes are working.

Action: Secretariat to schedule Terms of Reference review for June 2021 meeting.

Decision: Board Terms of Reference approved.

6. Appointment of Committee Members

- 13.0. The Chairman introduced a proposal to appoint committee members to the three Board committees – Audit and Risk, HR and Remuneration and Delivery and Impact. The proposal includes each non-executive member sitting on two committees. This ensures an appropriate number of members to scrutinise the Executive and makes good use of member time allocation. Since the paper was drafted, Marcus Killick has agreed to chair the Delivery and Impact Committee. Board members were content with the proposal.

Decision: Three non-executive members will sit on each committee.

Decision: The Board will appoint additional members to committees once all non-executive members have been appointed.

7. January Operational Update

- 14.0. The Chief Executive provided a verbal update regarding operational delivery to date since the IMA went live on 31 December 2020. Overall go live period has gone smoothly. The

Chief Executive updated the Board of the number of registered complainants and the number of complaints submitted. The numbers are manageable, and this has enabled staff to focus on what has been received some of which have been more complex than expected. Complaints are being submitted across the range of the rights we monitor and from a number of different European nationalities. The Chief Executive outlined the importance of being able to demonstrate the wider monitoring activity of the organisation whilst complaint numbers remain relatively low.

- 15.0. Pam Everett took Board members through the details of two complaints that have already been passed to the inquiry team for further consideration. Board members agreed it was useful to hear examples of operational work and this will continue in future meetings.

8. IMA Annual Plan 2020-2022

- 16.0. Anna Meredith, Head of Strategy and Communications joined the discussion. The Chief Executive introduced the first draft Annual Plan, outlining the tight timeline to approve a version for the Secretary of State by the end of February 2021. This is the Board's opportunity to comment on the draft vision and values; strategic objectives; its tone, length and format as well as an annex of potential inquiries.
- 17.0. Board members offered detailed comments regarding the corporate targets particularly expressing a wish for more ambitious targets relating to sickness absence, employee engagement and budget variance. General comments of style and clarity were requested for the next draft.
- 18.0. As the final document will be electronic the Board requested to see the final designed version at their next meeting in February. The Chief Executive confirmed this was possible within the timeline.

Action: Secretariat to schedule Annual Plan 2021/22 on February agenda.

- 19.0. Board members queried what has been done to date regarding our stakeholder planning for the year ahead, asking for a list of critical v desirable stakeholders. AM confirmed plans are in place. Board members would like to review in further detail at the next meeting.

Action: Secretariat to schedule Stakeholder Engagement Plan for February meeting

- 20.0. The Chief Executive confirmed that the plan will be submitted to the Secretary of State for information and not for formal approval. A meeting has been requested in early February between the Secretary of State, the Chairman and Chief Executive for introduction and to discuss the direction of the first Annual Plan. This will mitigate the risk of any additional comments being returned.
- 21.0. The Board requested further detail regarding operational processes to help understand what realistic targets and timeframes will or could look like in future. The Chief Executive offered an overview of the complaint process session which was accepted by members.

Action: Secretariat to schedule a Board session on the complaints process.

22.0. In closing the item, the Chairman requested the Board review a second draft prior to the document being approved for formal design.

Action: Head of Strategy and Communications to provide second draft for circulation to Board members by 29/1.

9. IMA Framework Document

23.0. The Chief Executive introduced the final draft of our Framework Document which outlines the relationship between the Ministry of Justice and the Independent Monitoring Authority as an Arm's Length Body (ALB). This document is based on a standard government template and is key in setting out how our accountability works and demonstrating the nature of our independence. This has been agreed by HM treasury and Cabinet Office and will be published on our website.

24.0. Executive members confirmed that amendments had been sought where the suggested text could impact the operational nature of the IMA. However, recognised that some text is standardly included as we must comply with government spending rules, guidance and directions in line with all other departments and ALBs. General Counsel noted that there is a legal duty on the Secretary of State to ensure the IMA has sufficient funding for the purpose of enabling the IMA to exercise its functions and he must have regard for the need to protect the independence of the IMA. There would be other routes other than via the framework if there was any issue with the level of funding or independence of the IMA.

25.0. The Board asked if we have mapped the requirements of this document against our workplans to ensure we have all relevant responsibilities identified and covered. Chief Executive agreed this would be a useful exercise.

Action: Governance Team to map IMA responsibilities in the Framework Document to teams and pieces of work within the organisation.

Action: Secretariat to add Framework Document oversight to the Audit and Risk Committee Terms of Reference.

26.0. No further comments on the draft document.

Decision: Framework Document approved.

10. Finance Report

27.0. AB introduced the first finance report outlining the budget and spend to date as well as plans for setting 2021/22 budget. IMA is working with MoJ Finance Business Partners to manage our budget within the Department's overall budget.

28.0. The Board acknowledged that the budget was set ahead of staff coming into post and an assumption of in-year operational activity, some costs of which have not occurred. Other costs that have been deferred. Board members queried how have current negotiations considered budget for next year v handing money back? AB confirmed the offer for next year is £6.4m which includes some carry over costs.

- 29.0. Chief Executive recognised that this year's exact costs are not clear as alongside our budget were also set up costs run by MoJ. The focus is now on next year's 2021/22 budget. We are currently testing plans and forecasts and have agreed with MoJ to go back if additional pressures arise in year based on operational developments.
- 30.0. AB noted that due to the MoJ financial reporting deadlines, future finance reports will be based on the previous month's data following ET scrutiny. A verbal update of any significant changes will be given at future meetings.

11. Northern Ireland Equality Duty

- 31.0. Following a request from Executive Team for further work to the Northern Ireland Equality submission, the Chairman agreed to defer this item to the next meeting in February.

12. Translation Policy

- 32.0. AB introduced the IMA's first translation policy, outlining that it is necessary to balance the risks of what we will/will not translate related to number of requests and costs. AB highlighted the key principles of the policy notably that the IMA will not translate into all 27 European languages.
- 33.0. All Board members were content with the translation policy. Not additional comments.

Decision: Translation Policy approved.

13. Forward Look

- 34.0. Secretariat shared the current forward look of future substantive items at the board meetings. This will become populated as work progresses and will be shared for information at each meeting. No additional comments.

14. Any other business

- 35.0. No further business was raised at the meeting. Chairman confirmed that all members would be asked to put requests for items in writing to the secretariat 48 hours before future meetings. No additional comments.
- 36.0. Executive members left the meeting.

15. Appointment of Chief Executive

- 37.0. The Chairman provided an overview of the timetable and process for appointing the permanent Chief Executive of the IMA.
- 38.0. The Chairman also provided an update on the appointment of two further non-executive members. The decision on the Scottish appointment is expected imminently while the Welsh appointment has been sifted with four candidates being interviewed on 2 February. New members are expected to join for the February and March 2021 meetings respectively.

Meeting closed.