



Independent Monitoring Authority
For the Citizens' Rights Agreements

Minutes

Board Meeting

Date	18 March 2021
Time	10am
Location	MS Teams
Attendees	<p>Sir Ashley Fox, Chairman</p> <p>Punam Birly, Non-Executive Member</p> <p>Joyce Cullen, 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 (Executive Member)</p> <p>Andrew Bagley, Director of Governance and Corporate Services (Executive Member)</p> <p>Pam Everett, Director of Operational Delivery (Executive Member)</p> <p>Rhys Davies, General Counsel (Advisor)</p>
Apologies	Ronnie Alexander, Non-Executive Member
Additional attendees	<p>Helen Jenkins, Senior Governance Manager (Secretariat – all items)</p> <p>Martin Rowlands, Senior Finance Manager (Item 8)</p> <p>Anna Meredith, Head of Strategy and Communications (Item 11)</p>

1. Open Meeting

- 1.0. The Chairman welcomed everyone to the meeting.
- 2.0. Apologies were received from newly appointed Non-Executive Member Ronnie Alexander who was appointed this week (from 17 March for three years).

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- 3.0. The latest Register of Interests was shared with papers for the meeting. No further interests were declared relating to items on today's agenda. The Register of Interests is available on the IMA website.

2. Previous minutes and actions

- 4.0. Minutes from the previous meeting (18 February 2021) were approved.
- 5.0. Actions were reviewed, updated and closed where relevant.

3. Chairman's Report

- 6.0. The Chairman provided a brief update on his recent activities linked to the paper provided in advance of the meeting.

4. Feedback from Board Committees

- 7.0. Leo O'Reilly, Chair of the Audit and Risk Committee noted the paper prepared ahead of the meeting and highlighted that at the first committee meeting there was a discussion around a very early internal audit plan. The Committee has requested a more detailed plan containing a specific audit timetable and expected dates for audit reports in the next year to be presented at the next meeting in June.

5. Board Development Proposal

- 8.0. Helen Jenkins (HJ) introduced a Board Development proposal to create a working group to consider how the Board should develop over the next twelve months. It was noted that initial Board meetings have focused on the foundations of the decision-making structure, notably approving terms of reference and delegations. The Board can now focus on the wider requirements and establish actions to support building relationships, ongoing training and development and implementing processes / procedures to support the Board fulfil their role and responsibilities.

Decision: Creation of a Board working group approved

6. Board Lead Responsibilities

- 9.0. HJ introduced a proposal to create five Board lead responsibilities for Equality, Diversity and Inclusion; Health and Safety; Sustainability; Wellbeing and Welsh Language. This will ensure our commitment to wider policy areas is considered in our specific decision-making. This is also proportionate to the size of our organisation and recognises that there are some commitments from which we may be exempt.

Decision: Creation of lead responsibilities approved.

Action: Members to email HJ to suggest which responsibilities they would be happy to lead.

7. Chief Executive's Report

- 10.0. Kate Chamberlain (KC), provided a verbal update of the number of complaints received to date noting it was positive to see complaints are increasing.
- 11.0. KC welcomed a positive response to our first survey of EU citizens which closed on 12 March with 2,923 responses received. We will now analyse the results and publish our report in April 2021.
- 12.0. Pam Everett (PE) took Board members through the details of two complaints that have recently been received.
- 13.0. KC also highlighted two blogs written by members of Executive Team that have been recently published with the Law Society and for the Scottish Parliament.

Action: HJ to circulate links to ET member blogs to Board Members.

8. Finance Report

Update 2020/21

- 14.0. MR introduced the finance report highlighting a summary position of the year to date. Our underspend is approximately £1.5m mainly due to staff being recruited later than originally planned. Lower travel and subsistence costs due to covid-19 restrictions has also had an impact on planned spend.
- 15.0. Board members queried process for handing back any underspend at year end, current recruitment plans and sought confirmation of our initial accounting period. Executive Team confirmed that we still have some key permanent roles to fill e.g. Senior HR Manager and hope that final permanent recruitment will complete this spring. The first accounting period was also confirmed as 15 months from 30 December 2020 – 31 March 2022.

Budget 2021/22

- 16.0. MR outlined the current budget offering from MoJ for 2021/22 highlighting that this is still indicative at this point and required initial approval to continue as suggested in the paper through the finalising stages of the budgeting process.

Decision: Current budget proposal and next steps approved.

9. Performance Dashboard

- 17.0. Andrew Bagley (AB) introduced the first draft performance dashboard linked to the priorities in our first Annual Plan. Executive Team talked through current amber measures and outlined plans to address progress e.g. concerning social media engagement and staff mandatory training compliance.
- 18.0. Board members were content with progress and clear structure of first dashboard.

Decision: Performance Dashboard approved

10. Publication of Operational Guidance

- 19.0. PE introduced the Operational Guidance document, a statutory requirement to publish guidance on how we fulfil our operational role within three months of our Board being constituted. PE outlined the planned timetable for completion by late April for publication on our website.
- 20.0. Board members noted that the document is comprehensive and clear to the reader although quite lengthy. Members recognised it would be useful to add case studies in later versions once available.
- 21.0. Board members requested clarification of several points including how we share information with stakeholders, the position of UK citizens to apply to us and requested references to Gibraltar and how we undertake litigation are included.
- 22.0. Board members were keen to understand if the European Commission will reciprocate with similar guidance for UK citizens and public bodies in European countries. Executive Team agreed to seek further information.

Action: RD to clarify EU Commission position on guidance for their process.

Action: PE to send final draft to Board Members for comment before final version goes to the printers.

Decision: Operational Guidance document approved for publication subject to requested amendments and Board members having a final view in late March.

11. Consultative Forum

- 23.0. Anna Meredith (AM) introduced a proposal to create a consultative forum of European citizens to act as an advisory group to the IMA. This is part of our wider stakeholder plan to engage directly with those whose rights we monitor and promote.
- 24.0. Board members were supportive of the forum and requested as wide a representation as possible from all nations should be represented. However, the Board stressed that this should be a citizen panel only and should not include representatives from other fora or organisations as we have other mechanisms for engaging with them.
- 25.0. Board members did raise concern at being able to manage digital events of between 60 and 90 citizens but were reassured that there is the option to use an external company to facilitate.
- 26.0. Finally, the Board discussed the name of the forum and although Citizen's Panel was suggested asked the Chief Executive to agree an appropriate name internally.

Decision: Consultative Forum creation and next steps approved

12. Litigation Panel Proposal

- 27.0. RD introduced a proposal to create a Litigation Panel, chaired by the CEO and made up of Executive Team and a Non-Executive Member. The purpose would be to facilitate timely decisions in relation to the exercise of the IMA's litigation functions. The panel would meet outside of current governance arrangements due to the time sensitive nature of decisions being required.
- 28.0. Board members were supportive of the need for the panel but queried the practicalities of availability of Board members at short notice and if the wider Board or Chair should be consulted. Executive Team assured the Board that the Panel would work by consensus and if the Non-executive member or another member of the panel believed the decision should be considered by the Chair or the full board then this would be arranged.
- 29.0. Board members discussed which member would be appropriate to sit on the panel, agreeing that Marcus Killick would be the first Litigation Panel member with Punam Birly in support if Marcus is unavailable.

Decision: Creation of the Litigation Panel approved. Marcus Killick agreed as Non-Executive Member with Punam Birly as support if Marcus is unavailable.

- 30.0. The Board agreed to review the progress of the Litigation Panel in the autumn and consider the number of times it has met and the cases that are or aren't being brought to the panel.

Action: RD to prepare summary of Litigation Panel development and progress for the September meeting.

13. Forward Look

- 31.0. 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.

Action: Secretariat to remove forward look from future agenda but to circulate the information with Board papers.

14. Any Other Business

- 32.0. The Chairman raised one item, proposing an informal meeting of one-hour mid-way between quarterly board meetings to ensure Board members are kept up to date with operational issues and continue building relationships. No papers would be produced, or formal decisions made.

Decision: Additional Board update meetings approved.

Action: Secretariat to schedule additional meetings for 2021.

- 33.0. Executive members left the meeting.

15. Appointment of Chief Executive

34.0. The Chairman provided an update on the timetable and progress in appointing the permanent Chief Executive of the IMA.

Meeting closed.