



Commissioner for Older People
for Northern Ireland

**COMMISSIONER FOR OLDER PEOPLE FOR NORTHERN IRELAND
(COPNI)**

AUDIT AND RISK ASSURANCE COMMITTEE

**MINUTES OF A MEETING OF THE AUDIT AND RISK ASSURANCE COMMITTEE
held on Thursday 14th November 2024**

PRESENT:

MEMBERS: Alan Walker (AW) (Chair)
Lee Wilson (LW)
JP O'Doherty (JP O'D)

IN ATTENDANCE

Lisa McAlorum (L Mc)	Department for Communities
Conor Shields (CS)	NIAO
Caitlin Graham (CG)	NIAO
Catriona McHugh (CMcH)	Cavanagh Kelly
Commissioner Eddie Lynch (EL)	COPNI
Evelyn Hoy (EH)	COPNI
David Murray (DM)	COPNI
Gary Carpendale (GC)	COPNI

Agenda Item 1: Apologies Apologies were noted from Judith Woodburn.	Noted
Agenda Item 2: Chair's Business a. <u>Conflicts of Interest</u> The Chair advised that if any members had any changes or updates to the Conflict of Interest declarations these needed to be updated and forwarded to DM/GC. b. <u>Compliance Report</u> The Committee noted this paper. c. <u>Register of Gifts and Hospitality</u> The Committee noted this paper.	Noted Noted Noted

<p>d. <u>Register of International Conferences and Events</u> There were no items for this period.</p> <p>e. <u>Direct Award Contracts</u> There were no Direct Award Contracts in this period.</p>	<p>Noted</p> <p>Noted</p>
<p>Agenda Item 3: Draft Minutes of Meeting and Action Tracker.</p> <p>a. <u>Draft Minutes of Meeting – 4th September 2024</u> Those present accepted the accuracy of the minutes and the Chair agreed to sign the minutes.</p> <p>b. <u>Action Tracker</u> DM discussed the measures taken against the action points and all action points are now completed.</p>	<p>Agreed</p> <p>Agreed</p>
<p>Agenda Item 10: Update from Internal Audit</p> <p>a) <u>HR Management Terms of Reference</u></p> <p>C McH advised that following the review of HR Management two recommendations have been proposed.</p> <p>The first was a priority 3 recommendation relating to housekeeping and recommends that review dates in the HR policies be corrected to reflect the dates for review.</p> <p>The second was a priority 2 recommendation relating to tracking requests for staff training which were refused on the grounds of budgetary constraints. There was a risk that sustained undertraining of staff over could impact on skill levels in COPNI, impinging on COPNI's ability to fulfil its statutory obligations and/or achieve its corporate objectives.</p> <p>A final comment raised in the report, although not a recommendation, was a point for management that COPNI may wish to consider verifying staff views on well-being via an anonymous survey. These surveys can be very beneficial in identifying any wellness issues staff may not wish to share with their line managers. DM advised that the recommendations were accepted by management. AW noted that due to budget constraints over the last number of years the training budget had been cut for staff training but this situation could not continue indefinitely. EH advised that due to the nature of COPNI's work a number of roles required membership of a professional body</p>	

and the requirements of these bodies was that staff had to undertake annual Continued Professional Development (CPD). AW emphasised the importance of providing training as part of the investment in staff and this investment is important for staff retention. A training budget needed to be part of the budget discussion for the 2025-26 financial year. DM advised that with the last pay award and the increase in pension costs there was little funding left for training in COPNI's current budget allocation.

AW advised that the next pay award may put COPNI in a position where it exceeds the current baseline budget. A conversation needed to be had with DfC in terms of COPNI's budget and what could be delivered within the current budget allocation. The current situation regarding the lack of funding for staff training could not continue indefinitely. EL stated that with the current labour market at nearly full capacity there was a need to invest in staff to retain them.

AW thanked CMcH for completing this work and congratulated EH and her team on a sound report. CMcH left the meeting at this point, as agreed in advance of the meeting.

Agenda Item 4: Matters arising not already on the agenda.

The Chair asked that the matter pertaining to the backdated pay in respect of Pay Progression be discussed at the end of the meeting as there was a conflict of interest for the Chair and another attendee.

Agenda Item 5: Commissioner's Update

a. Engagements

EL advised that he had attended an AgeNI event in Stormont. The event was attended by the First Minister and Deputy First Minister as well as several of MLA's. The event was to allow older people to have had their say on the draft Programme for Government

EL advised that the draft Programme for Government (PfG) has been published by the Executive Office, and the programme did not address to any significant extent the needs of older people. EL and EH met with both the First and Deputy First Ministers as well as junior Minister's to advocate for the needs of older people however the content of the subsequent draft of the PfG is very

disappointing in respect of acknowledgment of older peoples issues.

EL met with Unite to discuss the fuel benefit cut for pensioners and what steps could be taken to challenge the government's decision to cut the winter fuel allowance.

EL attended a round table discussion held with the Minister for Communities, Gordon Lyons. There is £17m available for fuel payments to pensioners in NI. Previously the fuel benefit payments totalled to approximately £40m, meaning less than half the previous level of fuel benefit is available to pensioners. There will be no application process as the payments will be made based on a central benefits database to pensioners. There is also no guarantee that the funds will be available in 2025-26.

EL confirmed that a private members bill which has been put forward by Clare Sugden MLA to the Assembly which will give older people legal protection on age discrimination.

EL advised that in response to the Department of Health's public consultation to inform the development of an Adult Protection Bill there will be updates to the safeguarding legislation to protect vulnerable adults.

EL informed those present that a new report from COPNI will be published before the end of November, highlighting the impact of domestic abuse on older victims.

Accounting Officer Matters

EL said that he would continue in a caretaker role until the 12th of December when he was scheduled to step down as Commissioner. He confirmed he had secured a new role as the Chief Executive of the Law Centre NI.

EL advised that he was unaware if a new Commissioner had been appointed the Executive Office where responsible for the competition and recruitment of the role. There was some uncertainty on the length of time there would be between EL departure and a new Commissioner taking up the post. AW congratulates EL on behalf of the ARAC on his new appointment to the Law Centre NI.

AW as chair of ARAC agreed to write to DfC to ascertain what the position would be pertaining to the Accounting Officer role in the absence of a Commissioner. The absence of a Commissioner also created a risk for the Management team.

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<p>DM advised that at present EL did not have any statutory powers in his caretaker role as Accounting Officer, and as such is unable to sign the Annual Report and Accounts.</p>	
<p>Agenda Item 6: Chief Executive's Update</p> <p>a) <u>Staffing issues</u></p> <p>EH advised that the post of Head of Policy Advice and Research had been advertised and interviews were due to be held on Friday 15th November.</p> <p>EH advised that verbal assurance was given by DfC that COPNI's staffing costs for the 2024-25 year will be met. JPO'D asked if this assurance was just for the one year. DM advised that the budget for next year had yet to be agreed. AW advised that the deficit over the baseline budget was 26% in the 24/25 year based on the papers presented. DM advised that 85% of the COPNI's budgeted costs were for staffing and hence inescapable. DM advised that the costs which accounted for the budget pressures were non-recurring costs which were covered by approved business cases for IT legal cases, COVID-19 Inquiry work and the Judicial review appeal. DM expected the associated budgetary support to follow in January Monitoring.</p> <p>DM advised that there was potential for savings if there is a period when a new Commissioner is not in post in the current financial year. There was also the potential for a savings on the holiday pay accrual of between £5-10k.</p> <p>DM advised that there was one vacant staff post which could not be filled at present due to budget constraints. AW advised that with the increase in National Insurance contributions for employers, this would have an impact on COPNI's future budget requirements.</p> <p>b) <u>Senior Management Team</u></p> <p>EH confirmed SMT meet on a weekly basis.</p> <p>c) <u>Finance and Expenditure</u></p> <p>DM advised that COPNI is in an overspend position as the budgetary support for approved business cases had not yet been allocated through a Monitoring Round. COPNI has not yet received the additional budget for the fixed-term COVID-19 Legal Officer, as well legal counsel costs for the Inquiry work. Similarly there has been no further budget allocation at present for the Judicial Review Appeal, or a settlement of a long-</p>	

<p>standing Industrial Tribunal case but these issues should be resolved at the next Monitoring Round.</p> <p>d) <u>Quarterly Performance Report</u></p> <p>Paper was noted by the Committee.</p> <p>e) <u>Quarterly Assurance Statement</u></p> <p>Paper was noted by the Committee.</p>	
<p>Agenda Item 7 : Business Plan 2024/25</p> <p>The business plan is based on the priorities in the Corporate Plan. EH advised that whilst the priorities for action may change when a new Commissioner is appointed, it is unlikely that any changes will be made to the current year plan owing to the delay in appointment.</p>	
<p>Agenda Item 8: Risk matters</p> <p>DM presented the Risk Register and discussed the main areas of risk.</p> <p>AW stated that the legislation pertaining to the powers of the Commissioner were flawed as powers could not be delegated in the absence of a Commissioner. This created issues for COPNI and for its delivery of services to older people in the interim period.</p> <p>AW queried whether the Funding Position risk remained an extreme risk. DM advised that COPNI needed confirmation in writing from the Department that the budget for the approved business cases would follow. EH advised that the risk remained extreme until COPNI received this confirmation and the outworking of the latest Monitoring round.</p> <p>AW advised that it appears COPNI's position moving forward was either to receive an increase in its budget to meet its mandate or it maintain the current budget allocation and reduce the scope of its services accordingly.</p> <p>L Mc advised that the New Decade New Approach (NDNA) review of COPNI was published on the DfC website. It was agreed that the link to the report would be sent to the ARAC members. It was agreed to remove the risk of the ALB review by DfC.</p>	<p>AP266</p>

Agenda Item 9: Comment from Department for Communities.

L Mc advised that in respect of the NDNA review of COPNI, no changes would be made without consultation.

Agenda Item 11: Update from External Audit

CS advised that the field work for the 2023/24 Audit was substantially complete. There were four Audit Findings as outlined in the RttCwG. There was one priority 1, two priority 2 and one priority 3 recommendations.

CS advised that the most significant recommendation was in relation to the calculation of sick pay, and revised processes and procedures needed to be put in place for the review of payroll calculations. In addition to the timely identification of errors before payments are made. DM advised that all payroll calculations from HR are double checked, and systems are in place for identifying any errors which could potentially occur in payroll calculations.

There was a priority 2 recommendation in relation to PPE and Intangible assets which were fully depreciated and no longer in use which are on the fixed asset register. The PPE items were meant to be disposed off in 23-24 but this was not possible since a disposal framework was not in place in CPD.

DM advised that there was a review of the fixed assets in the previous financial year and a relifing exercise had already been undertaken. CS advised there were issues below the trivial threshold in relation to training costs for the website and the timing of capitalisation of tender costs these did not require any changes to the accounts.

CS advised that the third recommendation was in relation to business cases for agency staff expenditure. It was the NIAO recommendation that given the level of expenditure separate business cases should be prepared for staff roles which would be filled by agency staff. L Mc advised that DfC had given approval for the recruitment of posts which were subsequently filled by agency staff. AW advised that the staff costs were outlined in the staffing business case. EL asked why a second approval would be required for the recruitment of agency staff to fulfil these roles. DM advised that there were signed business cases for both 2022-23, and 23-24, which had Ministerial approval. The staffing business case was a pilot scheme, the only way that the positions could be filled was by employing agency staff.

DM advised that management responses would be sent to NIAO.	
Agenda Item 12: Audit Recommendation Tracker DM confirmed that all recommendations in the Audit Recommendation tracker would be finalised by Christmas.	Noted
Agenda Item 13: Accountability and Financial Management Guidance Update The DoF guidance on remuneration of chairpersons and members of Public Bodies was noted. AW advised that he would speak to members of other ARAC's to ascertain the rates of remuneration which they were paid to ascertain if rates were equivalent to COPNI.	
Agenda Item 14: Schedule of meetings for coming year. The Committee accepted this proposal.	Agreed
Agenda item 15: AOB: AW thanked EL for all his help and support to ARAC during his time as Commissioner and wished him well in his new role.	
Date of Next Meeting DM confirmed that the next ARAC meeting would be held on Monday 20 th January at 1.30pm. EH, AW, and GC left the meeting to allow the committee to discuss the issue relating to the discrimination case referenced earlier in the meeting.	Agreed

Signed: _____
Chairperson

Date: _____