



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 Monday, 22<sup>nd</sup> April 2024**

**PRESENT:**

**MEMBERS:** Alan Walker (AW) (Chair)  
Lee Wilson (LW)

**IN ATTENDANCE**

Judith Woodburn (JW)	Department for Communities
Conor Shields (CS)	NIAO
Catriona McHugh (CMcH)	Cavanagh Kelly
Commissioner Eddie Lynch (EL)	COPNI
Evelyn Hoy (EH)	COPNI
David Murray (DM)	COPNI
Gary Carpendale (GC)	COPNI

<b>Agenda Item 1: Apologies</b> Apologies were noted from JP O'Doherty and Sharron Russell.	<b>Noted</b>
<b>Agenda Item 2: Chair's Business</b>  <b>a. <u>Conflicts of Interest</u></b> The Chair advised that as it was the start of a new financial year, Conflict of Interest declarations needed to be completed by the ARAC members.  The Chair congratulated Lee Wilson on his appointment as the Chair of the ARAC at NICCY.  <b>b. <u>Compliance Report</u></b> The Committee noted this paper.  <b>c. <u>Register of Gifts and Hospitality</u></b> The Committee noted this paper.	<b>Noted</b>  <b>Noted</b>  <b>Noted</b>  <b>Noted</b>

<p><b>d. <u>Register of International Conferences and Events</u></b> There were no items for this period.</p> <p><b>e. <u>Direct Award Contracts</u></b> There were no Direct Award Contracts in this period.</p>	<p><b>Noted</b></p>
<p><b>Agenda Item 3: Draft Minutes of Meeting and Action Tracker.</b></p> <p><b>a. <u>Draft Minutes of Meeting – 22<sup>nd</sup> January 2024</u></b> Those present accepted the accuracy of the minutes and the Chair agreed to sign the minutes.</p> <p><b>b. <u>Action Tracker</u></b> DM discussed the measures taken against the action points and all action points were now closed.</p>	<p><b>Agreed</b></p> <p><b>Agreed</b></p>
<p><b>Agenda Item 4: Matters arising not already on the agenda.</b></p> <p>DM advised that the annual self-assessment of ARAC effectiveness was due for completion by ARAC members. DM advised that this needed to be completed in the next number of weeks. This could be completed either collaboratively as a committee, or individually and DM would collate the results. The Chair advised that he would discuss with Committee members to get a consensus on their preferred approach.</p> <p>JW advised that there was no scheme in place in DfC for mentoring and coaching to the Commissioner for assistance with securing a new role.</p> <p>EL advised that there had been discussions with DfC in terms of time commitments which he will have to give to the Covid-19 public inquiry after his departure as Commissioner.</p>	
<p><b>Agenda Item 5: Commissioner's Update</b></p> <p><b>a. <u>Engagements</u></b></p> <p>The Commissioner advised this had been a busy quarter with a number of publications having been launched and several events taken place since the last ARAC meeting in January.</p>	

The first publication was “Respecting residents’ rights in care homes - a review of Regional Care Home Contract”. This report highlighted the lack of security of tenure which affected some care home residents. The report makes a number of recommendations to strengthen the rights of residents and to protect their right of tenure in care homes.

The second publication was called “Are you Ageist” - this was a report based on older people’s perceptions of ageism and discrimination. Six events were held in venues in all six counties of Northern Ireland where the Commissioner listened to the concerns of older people and their experiences of ageism and age-based discrimination. Of the survey commissioned, 2/3 of respondents felt less valued as they got older. One issue which was raised regularly referred to ageism in the workplace, which was an area which needed addressed. Many older people felt that the modern workplace did not meet their needs - many older people have caring responsibilities and there was not the flexibility offered by many employers to accommodate them.

The Commissioner attended a conference “Ageism in a digital age”. The conference highlighted the issues and concerns of older people when using technology. It was attended by a number of large employers, including Bank of Ireland, University of Ulster, and Allstate.

The Commissioner meet with the new Chief Constable to discuss the Scamwise partnership. Financial scams and financial abuse disproportionately impact older people the meeting was positive in renewing the incentive in the partnership.

The Commissioner attended an event in Omagh on active ageism in conjunction with Libraries NI. The event highlighted the importance of active aging and the impact reading had on staving off Dementia.

The Commissioner referenced the Covid-19 Inquiry which is coming to Northern Ireland for three weeks in late April 2024. The Commissioner is due to give evidence on the second day of the Inquiry hearing. The Commissioner said it was important to highlight what could have been done better in the initial six months, particularly when the most at-risk were older people, especially those in care homes.

LW asked regarding the two reports if there would be any follow up to assess the extent to which the recommendations will be implemented. The Commissioner advised that the Policy and

Research team regularly follow up on any recommendations in the reports to track progress.

**b. Accounting Officer Matters**

The Commissioner stated that his term was due to come to an end in mid-June. The Commissioner post has not yet been publicly advertised. It was noted that it was the responsibility of the Executive Office to advertise the role and not the Department for Communities (DfC). The Chair raised concerns that COPNI may not have a new Commissioner in place prior to EL's departure as any potential candidate may have to give 3 months' notice, and this was a risk that the Committee had already discussed. He advised that with EL's permission the Committee would write to DfC and ask for a short extension to EL's tenure to facilitate the transition to a new Commissioner. The Commissioner confirmed he was content for the Committee to do so. The Commissioner confirmed that he could be flexible with whatever arrangements, if any, are put in place. JW advised that DfC will have to take advice on any request for any potential extension of the Commissioner's departure date.

AW advised that a letter from the ARAC regarding a request for temporary extension of the Commissioner's term will be submitted to the Department.

EL advised that there were several issues which he would like to see resolved before the end of his term.

It was noted that a budget was due to be agreed with the Executive either at the end of April or early May. The Programme for Government was due to be launched in June.

**AP257**

**Agenda Item 6: Chief Executive's Update**

**a) Staffing issues**

EH advised that there was a conflict of interest at the last ARAC meeting pertaining to a grievance. It was agreed that this would be discussed at the end of the ARAC meeting.

AW noted that there were several issues which overlapped between the ALB report and the Risk register, and would therefore be discussed under the Risk Register section.

EH advised that there has been a reduction in the number of Agency staff as several posts have been recruited for on a permanent basis.

EH advised that a significant proportion of the legal Departments time was occupied with the work of the Covid-19 Inquiry. An agency member of staff has been recruited to manage the day-to-day work of the legal team. This allows the Head of Legal to concentrate on the work of the Covid-19 Inquiry and the upcoming Judicial Review appeal.

**b) Senior Management Team**

EH advised that the role of Head of Policy had yet to be recruited for on a permanent basis. The Head of Corporate Services and Head of Legal had been recruited for on a permanent basis.

EH confirmed there was a formal SMT meeting once a month which was formally documented.

**c) Finance and Expenditure**

DM presented the Finance report. Total Resource spend was projected at £1,322k against a budget of £1,337k. There were a number of reasons for the budgetary underspend.

Salaries were underspent against budget due to the reduction in the holiday Pay Accrual of £7k. The Judicial Review appeal hearing has now been moved into the 2024-25 year; this was a late development and it has been confirmed that no costs would be expensed in 2023/24. Inquiry costs have also been lower than projected in the business case owing to COPNI legal staff undertaking as much work as possible before requiring counsel support. DM confirmed this will not be the case in 2024/25 as COPNI will require, and are already availing of, specialist legal counsel support ahead of, and during, the Inquiry hearings in Belfast. Also, two permanent senior management posts were recruited in February, but the consequence of the delay in recruitment of these posts was that training courses planned for these new employees were no longer available in the 2023/24 financial year. Some of these cost savings were offset by new Industrial Tribunal proceedings brought in March 2024, for which COPNI has had to make provision for inescapable legal costs.

DM advised that COPNI have received an initial 3-month allocation letter of £327k for 2024/25. DM noted that this allocation represented a quarter of last year's opening budget and if extrapolated for a full year would be wholly insufficient for COPNI to meet its staff and overhead commitments. It was noted that the additional resources which were allocated by the Treasury in respect of public sector pay have meant that, in the absence of recurrent additional annual support, these pay awards are now having to be absorbed within existing budgets,

<p>which puts a significant strain on an already modest budget that COPNI has received previously. DM advised that COPNI has already identified inescapable pressures for 2024/25 over and above the baseline funding, in the areas of Covid-19 Inquiry support, the Judicial Review appeal into Continuing Healthcare, and the increase in IT costs owing to the unforeseen closure of ECNI's IT Department.</p> <p>EH advised that in respect of COPNI's budgetary pressures, bids will be submitted for additional funding in year to cover inescapable costs. DM advised that the role of Finance Assistant has also not been recruited and has remained vacant for 18 months in order to balance the budget but this role was now needed. EH advised that it was not good value for money to have more senior members of staff undertaking the administrative roles of the Finance Assistant. The role was part of the agreed head count but was not affordable within COPNI's current budget at present. AW advised that COPNI needed to consider what options are available. The ARAC understood the challenges from both COPNI's and the Department's viewpoint.</p> <p><b>d) <u>Quarterly Performance Report</u></b></p> <p>Paper was noted by the Committee.</p> <p><b>e) <u>Quarterly Assurance Statement</u></b></p> <p>Paper was noted by the Committee.</p>	<p></p> <p><b>Noted</b></p> <p><b>Noted</b></p>
<p><b>Agenda Item 7 : Business Plan 2024/25</b></p> <p>It was noted that the policy team had undertaken a scoping exercise to inform the issues highlighted in the Corporate Plan. The business plan is based on the priorities in the Corporate Plan. The priorities for action may change when a new Commissioner is appointed. EH advised that there was uncertainty around the timing of when a new Commissioner would be appointed and uncertainty around budget. EH confirmed there were certain priorities in the business plan which COPNI would deliver, and other priorities which COPNI would deliver on if the resources are available. If bids submitted are approved, then these priorities could be delivered upon. EH stated that hard choices needed to be made in relation to legal cases as demand exceeded resources available in the legal department. COPNI was waiting to see the draft Programme for Government to study the Executives priorities and areas of focus.</p>	<p></p>



AW noted that a new Commissioner may only come into post in the last quarter of the financial year. EL advised that the new Commissioner is unlikely to know what the priorities are and areas of focus. A new Commissioner may need to be brought up to speed with the areas of focus in the sector. AW advised that if a new Commissioner is only in post from December 2024 their focus will be on the priorities for the 25-26 financial year.

AW advised that a case needed to be made to the Minister and senior Civil servants as to the rationale for COPNI to have adequate funding to deliver on the priorities for government which were applicable to COPNI. The more evidence which can be given the more persuasive the argument for funding.

#### **Agenda Item 8: Risk matters**

EH presented the Risk Register and went through the main areas of risk.

Ref 1 The Head of Corporate Services and the Head of Legal had been appointed on a permanent basis. The Head of Policy was still a temporary promotion which has been extended to the end of July 2024.

Ref 2 A Fixed term contract for a solicitor is in place for the duration of the public inquiry. This is order for the Head of Legal to concentrate on the Covid Inquiry work.

Ref 9 The SMT were reviewing the recommendations from DfC in detail in relation to the ALB review by DfC. A partnership agreement was yet to be agreed with DfC EH would be in contact with JW regarding this.

Ref 12 Regarding the transition at the end of current Commissioner's term EH advised that COPNI have had previous experience of not having a Commissioner for 7 months the transition was managed well. DM advised that with an SMT comprised of permanent members of staff, it will enable greater support at a senior level should there be no Commissioner in post for a period of time.

AW advised that the risk rating should be moved from a 9 to a 12 which was more appropriate as it represents in the view of the Committee a higher risk than has been allocated currently. AW stated that the Commissioner was the face of the organisation and not having a Commissioner in place was a sizeable risk and justified the letter which the ARAC have proposed writing to DfC regarding a short extension of the role.

**AP258**

<p><b>Agenda Item 9: Comment from Department for Communities.</b></p> <p>The Chair welcomed JW in her new role within DfC and welcomed her to her first COPNI ARAC meeting. JW advised that the Partnership agreement between DfC and COPNI was not yet finalised and there was now a need to address this.</p>	
<p><b>Agenda Item 10: Update from Internal Audit</b></p> <p>CMcH advised that the review of Corporate Governance had a Satisfactory assurance rating, with only two recommendations made. It was recommended that the Standards of Conduct be updated to make it clear that it applies to staff/commissioner/committee members. COPNI should also consider referencing the Nolan Principles on ethical standards expected of public office holders.</p> <p>AW thanks CMcH for the undertaking the audit and congratulated EH and her team on the result.</p>	<p><b>Noted</b></p>
<p><b>Agenda Item 11: Update from External Audit</b></p> <p>CS advised that the Audit Strategy for the audit 2023-24 has been agreed. CS noted the actions for the Audit Committee were outlined on Page 3 of the Audit Strategy. The Audit was due to commence at the end of August or early September. The proposed timing for Certification is currently the end of October. The NIAO Audit approach was outlined on page 5. It was noted that no accounts direction has come from the Sponsor Branch. DM agreed to liaise with JW on this.</p>	<p><b>AP259</b></p>
<p><b>Agenda Item 12: Audit Recommendation Tracker</b></p> <p>DM confirmed that all recommendations, are completed internally ahead of the follow-up audit. DM confirmed the two new Internal Audit recommendations from the Corporate Governance audit would be added to this for July's meeting.</p>	<p><b>Noted</b></p>
<p><b>Agenda Item 13: Accountability and Financial Management Guidance Update</b></p> <p>Paper was noted by the Committee.</p>	<p><b>Noted</b></p>
<p><b>Agenda Item 14: Schedule of meetings for coming year.</b></p> <p>The Committee accepted this proposal.</p>	<p><b>Agreed</b></p>
<p><b>Agenda item 15: AOB:</b></p>	



<p>AW asked that ARAC members log on to their COPNI computers every few weeks to ensure that their computers are updated with the latest software updates.</p>	
<p><b>Date of Next Meeting</b></p> <p>DM confirmed that the next ARAC meeting would be held on Monday 22<sup>nd</sup> July at 1.30pm.</p> <p>EH, JW CMCH, CS and GC left the meeting to allow the committee to discuss the issue relating to the discrimination case referenced earlier in the meeting.</p>	<p><b>Agreed</b></p>

Signed: \_\_\_\_\_  
Chairperson

Date: \_\_\_\_\_