

**MINUTES OF PROCEEDINGS OF A BOARD MEETING HELD ON THURSDAY, 6 AUGUST 2020 AT 2.00 PM (by zoom)****1. PRESENT** Ms S O'Connor (Chair)

Rev A Adams	Mr M Johnston
Miss F Boyd	Sir Gerry Loughran
Mr D Cargo	Mr G Lundy
Mrs P Carville	Mr N McCausland
Mr J Craig	Dr A McMorran
Mrs M Culbert	Mr O McMullan
Mr G Doran	Mr K Mulvenna
Dr M Dynan	Mr L Ó Flannagáin
Rev R Herron	Miss R Rainey

**2. IN ATTENDANCE**

Ms S Long, Mrs M Corkey, Mrs C Duffield, Mr D Hanna, Mrs U Turbitt, and Mr S Wade entered the meeting at minute 5 and Mrs S McCartan attended for minute 7. Ms L McCall.

The Chair received confirmation from all in attendance that the privacy protocols, as set out in the protocol for video conferencing and conference calls, were being adhered to.

**3. APOLOGIES**

Apologies had been received from Mrs S Kelly and Ms N Toman.

**4. DISCUSSION IN COMMITTEE****INTERIM STAFFING COMMITTEE**

On the proposal of Mr Mulvenna, seconded by Rev Adams, the Board agreed to discuss this item in committee.

The Chair of the Interim Staffing Committee provided a report on a confidential matter.

On the proposal of Mr Craig, seconded by Rev Adams, the Board agreed to resume the meeting.

While in committee, the Board had noted a high level progress report on a matter being taken forward by the Interim Staffing Committee.

**5. DECLARATIONS OF INTEREST**

*Ms S Long, Mrs M Corkey, Mrs C Duffield, Mr D Hanna, Mrs U Turbitt, and Mr S Wade entered the meeting.*

Members were reminded of the requirement to declare interests where appropriate during the course of the meeting.

**6. MINUTES OF BOARD MEETING HELD ON 25 JUNE 2020**

On the proposal of Rev Adams, seconded by Mr Craig, the Board approved the minutes\* (EAB/8/20/3) of the meeting held on 25 June 2020.

## **7. MATTERS ARISING FROM THE MINUTES**

### **7.1 PERFORMANCE OF SEN STATUTORY OPERATIONS (6.3)**

Mrs Turbitt provided a report on the number of children and young people with statements of SEN who required placement at the current time in mainstream schools, special schools, and pre-school provisions. It was noted that within this overall number, 25% of the unplaced children were new to the statementing process and 75% had amended statements.

A Member queried the likely timeframe for these children to be placed in appropriate provisions. Mrs Turbitt said that the number of children remaining unplaced would change daily as work continued at pace to progress statements. She also pointed out that the Educational Psychology Service was aware of a number of children who would require placement during the year.

A Member queried the reasons for the current delays in placing children with statements of SEN in appropriate provisions. Mrs Turbitt said that the number of children requiring statements of SEN was increasing by approximately 5% each year. In addition, an increasing number of children were presenting with more complex needs. She said that this was creating capacity issues for EA. Some schools had been able to make adaptations to their buildings through minor works. However, this was proving more problematic for other schools. The Member said that the increase in the number of children requiring statements of SEN year on year was an established trend. She considered that strong representation should be made to DE in respect of the challenges around the placement of these children. The Chair said that she had already conveyed to the Permanent Secretary the need to future proof new builds for schools.

A Member said that some children with SEN were required to spend a considerable length of time on a school bus on account of the distance being travelled to and from school. He queried if the Transport Department had capacity to manage the increasing number of children with statements of SEN. Mr Hanna confirmed that transport was available for all young people with statements of SEN whether this was provided through EA's own transport fleet or with private operators. He said that transport times were systematic of the complexities around school placements where pupils were not placed in their nearest suitable school. Mrs Turbitt emphasised the vital nature of the work which was being taken forward within the SEN Improvement Plan on Statutory Operations.

Members emphasised the importance of engaging effectively with families and schools to support the placement of these young people. Members also drew attention to the importance of developing a communications strategy for parents and the media which highlighted EA's values with regard to prioritising the needs of children and young people. Ms Long confirmed that a return to school communications plan was ready to issue.

### **7.2 CAPITAL PLANNING ANNOUNCEMENT - JUNE 2020 (7.5)**

A Member expressed disappointment and concern that capital announcements in recent years had not made provision for Irish Medium schools, particularly given the pressing needs within the sector.

### **7.3 ACTIVITY OF COVID 19 GOLD AND SILVER COMMAND SUB-GROUPS (8.3)**

Ms Long said that guidance was being developed to support restart for youth groups including voluntary groups and this would be taken forward through the Education Restart Programme.

### **7.4 AREA PLANNING - EA DRAFT RESPONSE TO THE STRATEGIC INVESTMENT BOARD'S (SIB) REVIEW OF THE STRATEGIC AREA PLAN 'PROVIDING PATHWAYS' AND SUPPORTING ANNUAL ACTION PLANS (10.1)**

The amended response had been circulated to Members previously. Ms Long said that officers were engaging with DE officials on EA being able to contribute to DE's area planning programme.

### **7.5 AREA PLANNING - FRAMEWORK FOR SPECIAL SCHOOLS (10.2)**

The amended framework had been circulated to Members previously.

## **8. CHAIR'S BUSINESS**

### **8.1 DIRECTOR RECRUITMENT**

The Board noted that Mr D Hanna had been appointed to the post of Director of Operations and Estates. The Chair congratulated Mr Hanna on his appointment.

### **8.2 GOVERNANCE AND ACCOUNTABILITY REVIEW (GAR) - MEETING HELD ON 29 JUNE**

The Board noted the agenda for the GAR meeting held on 29 June 2020.

Ms Long said that discussion at the GAR meeting had focused on EA's financial position and financial management, maintaining good governance during Covid-19, SEN statutory operations improvement planning, and governance of a number of ICT projects. She said that attention had also been given to EA's Business Plan, the Corporate Plan, and the Corporate Risk Register.

A Member sought an update on the progress of the business case for the ICT project relating to Education Technology Services. Mrs Corkey said that officers had met DE officials earlier in the day to discuss version 6 of the outline business case. She said that, while some work was still required around educational outcomes, it was anticipated that the project would be on track by the end of September. She undertook to provide a presentation to a future meeting of the Education Committee on the Education Technology Service.

A Member queried the status of the current main contract. Mrs Corkey provided a report on the term of the main contract, including the work taking place to explore the potential for extension. This position would be confirmed to Members.

***Actions:** Presentation on the Education Technology Service to a future meeting of the Education Committee. Position regarding status of the current main contract to be confirmed to Members.*

### **8.3 BOARD ROOM APPRENTICE**

The Chair extended best wishes to Mrs Jamison whose role as Board Room Apprentice with the Board would end on 31 August 2020.

#### **8.4 DEPARTMENT OF EDUCATION'S EXPERT PANEL ON EDUCATION UNDER-ACHIEVEMENT**

Members sought clarification around the terms of reference for the panel including a process for engagement with EA.

The Board placed on record its support for the panel and its interest to contribute to the work of the panel. The Chair said that she would engage with the Minister to convey the Board's interest to engage with the panel. It was agreed that Ms Long would also communicate with DE on the terms of reference for the panel.

***Actions:** Chair to engage with the Minister to convey the Board's interest to engage with the panel; and Chief Executive to seek clarification with DE on the terms of reference for the panel.*

### **9. CHIEF EXECUTIVE'S REPORT**

#### **9.1 DELEGATED POWERS TO CHIEF EXECUTIVE**

The Board noted the paper\* (EAB/8/20/6.1) setting out the process for managing the devolvement of Board business as a result of Covid-19. The paper also included the protocol, developed by the Audit and Risk Assurance Committee for all Board Members, in respect of meetings held via video or teleconference. Ms Long drew attention to arrangements to hold a special meeting of the Board to consider an amendment to Standing Orders in respect of conducting business by electronic means. The Board approved the protocol for Board Members in respect of conducting business by electronic means and agreed to convene a special meeting of the Board in August to review Standing Orders.

Ms Long said that arrangements were being facilitated to enable Members to meet in the Board Room in Antrim at the September Board meeting. She asked Members to indicate their willingness to attend meetings in the Board Room in line with social distance requirements, or whether they would wish to continue to join meetings by electronic means. Arrangements would be facilitated to allow Members to join meetings either by face to face or by electronic means, depending on changing circumstances.

The Board agreed that the Chief Executive would continue to have delegated authority to transact business on the Board's behalf in the absence of Committee meetings until the next Board meeting. Reports would continue to be presented to the Board on all matters authorised by the Chief Executive on the Board's behalf.

***Actions:** Special meeting of the Board to be held in August to review Standing Orders. Members to indicate whether they wish to attend face to face meetings or to join meetings electronically.*

#### **9.2 DELEGATED BUSINESS TRANSACTED BY THE CHIEF EXECUTIVE**

The Board noted the paper\* (EAB/8/20/6.2) detailing the business transacted by the Chief Executive on the Board's behalf during June and July.

#### **9.3 EDUCATION RESTART AND EA CORPORATE RESTART REPORT**

Ms Long presented a paper\* (EAB/8/20/6.3) providing updated information on DE's Education Restart Programme and EA's Corporate Restart Programme.

A Member commended officers for the work involved in supporting Education Restart. He also paid tribute to the commitment and dedication of teachers to support pupils working

remotely. He considered that the tremendous work being carried out by schools during the pandemic was not widely known within the wider community and he suggested that a communication should issue to acknowledge this work. The Member said that, while his following comments could be superseded by the Minister's announcement on Education Restart later in the day, he wished to raise a number of concerns. He considered that DE's proposed approach to Education Restart was embedding inequality within the education system. DE was asking schools to plan for Education Restart without providing any additional resources to support that planning. Schools were at a significant disadvantage if their accommodation did not have spare capacity. Should principals be required to source additional accommodation, he was mindful of the planning determinations of buildings and whether such accommodation would meet health and safety and child protection requirements.

A Member acknowledged the significant amount of time spent by schools to plan for blended learning approaches for their pupils.

A Member said that some confusion existed in primary schools around social distancing particularly for P1 and P2 pupils. He also said that firm guidance should be provided to schools on the hiring of additional teachers and additional space so as to avoid unnecessary expenditure. With regard to EA Corporate Restart, he sought clarity around the five step plan to return staff to offices, particularly those staff who worked within platinum/gold services and in the area of Statutory Operations.

A Member said that schools had found the risk assessment templates helpful. He queried the controls in place should a school not use the risk assessment template provided by EA. He sought assurance that appropriate PPE would be available for schools to access at the start of the September. He also queried if consideration had been given to align the start date of schools within an Area Learning Community as a support mechanism for families.

Ms Long said that EA's Corporate Restart was moving to step 2 of the five step plan. A range of services had been designated platinum and gold, including Statutory Operations, and staff in these services who were not fully operational from home had returned to the workplace. She advised that Statutory Operations had been given highest priority at the outset of the process.

Mr Wade said that EA and DE had met to consider and scope the costs associated with Education Restart and services to schools. He advised that, in consultation with DE, an approach had been agreed to submit bids for Education Restart based on a series of assumptions. An outline of the minimum and maximum scenarios was provided. It was noted that these scenarios were heavily dependent on the Minister's announcement later that day around social distancing.

Mr Hanna said that various frameworks were in place to ensure that schools had access to PPE. He added that, if a school was unable to obtain adequate PPE through the normal school procurement procedures, that school could contact EA procurement teams for assistance. He advised that the responsibility resided with schools to comply with risk assessment guidance.

The Board noted the paper.

*Mrs Carville left the meeting at 3.30 pm.*

#### **9.4 SEN STATUTORY OPERATIONS - UPDATE ON IMPROVEMENT PLANS**

The Board noted the paper\* (EAB/8/20/6.4) giving information on progress against each

of the seven work streams in the Improvement Plan and an update on performance data in respect of the various elements of the statutory assessment process.

Discussion on this matter had taken place previously in the meeting (minute 7.1).

The Board agreed to take agenda items in the following order.

#### **10. AUDIT AND RISK ASSURANCE COMMITTEE - MEETING HELD ON 31 JULY 2020**

The Board noted the consideration given by the Committee to the draft Annual Report and Accounts for 2019/20 and the revised Governance Statement. It noted that the draft Annual Report and Accounts had been submitted to NIAO and DE by 3 August 2020 in accordance with the revised timeline for submission. It also noted that, as a result of managing expenditure, delivering savings, and securing additional funding in the amount of £63.8m throughout the year, EA was reporting a small underspend of £0.067m for 2019/20 against budget allocations, excluding earmarked and youth.

On the proposal of Mr Lundy, seconded by Miss Rainey, the Board approved the minutes\*\* (EAB/8/20/9.2) of the meeting held on 31 July 2020.

#### **11. FINAL OUTTURN 2019/20 AND INITIAL BUDGET PLAN 2020/21**

##### **Final Outturn Position 2019/20**

Mr Wade said that EA had reported its final resource allocation and outturn expenditure to DE on 21 July 2020. He said that a combination of rigorous financial management to constrain expenditure, the delivery of £23.11m of cash releasing savings, and additional in-year funding allocations of £64m had enabled EA to report a small underspend of £0.067m for 2019/20 against budget allocations, excluding earmarked and youth. He said that the break-even target for DE earmarked budgets had not been achieved. This was primarily due to unfunded pressures arising from the Minister's commitment in March 2020 to make payments to parents in lieu of free school meals. Mr Wade reported that the overall financial position at year end showed a resource budget of £2,052m with an overall funding gap of £1.092m.

The Board noted EA's final resource allocation and outturn expenditure for 2019/20.

##### **Initial Budget Plan 2020/21**

Mr Wade said that DE, in its letter of 22 May 2020, had notified EA of its opening resource budget allocation for 2020/21 (£2,035.89m). The letter had detailed the basis on which DE had set the opening budget allocation and also the conditions on which EA's initial budget plan should be developed.

Mr Wade said that the draft initial budget plan\* (EAB/8/20/7) set out the funding available and showed a balanced budget position. However, he advised that EA was reporting a projected funding shortfall in the MEMR of approximately £92.952m after proposed savings. This shortfall was reported across budgets as an ASB funding gap of £0.19m and a block grant funding gap of £92.76m.

Mr Wade said that the Minister had indicated that additional allocations would be made available to mitigate the additional cost of the recently agreed teachers' pay award above the 1% public pay policy limit. Currently, no funding was available to meet the teachers' pay awards for 2020/21 and therefore, as agreed with DE, the additional costs of this pay award would be profiled into EA's financial position once allocations were received from DE.

Mr Wade highlighted that the impact of Covid-19 for schools and Restarting Education bids beyond Quarter 1 had not been included in the funding gap of £92.76m. As agreed with DE, these would be reported as in-year movements. He said that additional allocations in 2020/21 were insufficient to address EA's funding requirement during the year and EA had therefore sought additional budget cover to address profiled pressures through June monitoring. He advised that EA was working with DE to highlight that a strategy of absorbing pay inflation was not achievable in 2020/21 without additional funding, nor would it be sustainable in the longer term. He said that EA was taking forward its Transformation and Financial Recovery work with DE to maximise the use of available funding and to provide clarity to DE on what was achievable within the current funding allocation.

Mr Wade said that workshops had been held during July with DE officials to consider the financial position. He said that the 2020/21 budget strategy incorporated a two stage approach. Stage 1 set out approved inescapable pay and price pressures, approved inescapable demand pressures and committed expenditure. All assumptions underpinning in-year pay and price inflationary pressures had been agreed with DE. Stage 1 did not include for any additional costs relating to Education Restart. He advised that, depending on the Minister's announcement on guidance around social distancing in schools, the sector would face significant additional costs, ranging between an estimated £136m and £250m. The development of Stage 2 of the budget strategy, which would consider investment proposals, had been delayed due to Covid-19.

Mr Wade referred to the proposed allocation of the initial recurrent budget across the Directorates. Attention was drawn to block grant pressures (£82.116m) and estimated savings (£17.571m) within the Directorates. Mr Wade said that the savings of £17.571m included cost reductions arising from Covid-19 impacts (£6.7m), NILGOSC deficit recovery (£4.5m), capitalisation of salaries (£4m) and full year effects of savings delivered in 2019-20 (£2.3m). He advised that EA had not profiled any additional savings from the extension of financial management in schools.

Mr Wade reported that, following the Board meeting, the Chief Executive was required to write to DE to confirm the Board's approval to the plan and to confirm that DE's conditions would be met.

The Board noted that the forecast financial position only reflected Stage 1 of the 2020/21 budget strategy and that this represented approved inescapable pay and price pressures, approved inescapable demand pressures, and committed expenditure. It also noted that, due to Covid-19, Stage 2 (to consider investment proposals) had been delayed and this work would be progressed. The Board noted that EA continued to operate at significant financial risk and that the work of the transformation and financial recovery programme remained vital going forward.

A Member sought an update on grant allocations to Voluntary Grammar and Grant Maintained Integrated Schools. Mr Wade undertook to provide a report on this issue to a future meeting of the Board.

On the proposal of Rev Adams, seconded by Mr Cargo, the Board approved the 2020/21 initial budget plan for submission to DE, including the 2020/21 budget allocations to Directorates.

A Member paid tribute to the successful collaboration between DE and EA officers during the year on the management of the financial position.

**Action:** Provide a report on grant allocations to VG/GMI schools to a future meeting of the Board.

## 12. EA BUSINESS PLAN 2019/20

Ms Long presented Quarter 4\* (EAB/8/20/8.1) of the Business Plan, including a report on performance against Business Plan targets. EA had identified 47 key actions in the Plan across

9 corporate improvement objectives. The Board noted that 36 actions had been achieved, 9 actions had been achieved with some delay, and two actions had not been achieved.

### **13. EA BUSINESS PLAN 2020/21**

Mr Hanna said that, due to the prioritisation of work in response to the Covid-19 pandemic, the normal timeframe to complete the Business Plan had lapsed. He said that Quarters 1 and 2 of the Plan, including part of Quarter 3, would give focus to EA's response to Covid-19. The remainder would focus on Education Restart, the SEN Improvement Plan for Statutory Operations, recovery and transformation, implementation of the performance framework, and other key Directorate improvement actions. He said that the Corporate Leadership Team would be reviewing the document in September with a view to presenting the document to the relevant Committee thereafter.

In response to a Member's query with regard to improved collaboration across key stakeholders, Ms Long said that agreed Memoranda of Understanding and associated protocols were currently in place for all stakeholder groups with the exception of CnaG. She understood that the development and agreement of the draft Memorandum of Understanding with CnaG had been delayed due to Covid-19 but this work had recommenced. The Member urged that this work should be progressed as soon as possible.

### **14. MINUTES OF COMMITTEES AND SUB-GROUPS**

#### **14.1 STATUTORY OPERATIONS SUB-GROUP - MEETING HELD ON 19 JUNE 2020**

Ms Long presented the minutes\* (EAB/8/20/9.1) of the Sub-Group meeting held on 19 June.

On the proposal of Mr Cargo, seconded by Mr Johnston the Board approved the minutes\* (EAB/8/20/9.1) of the meeting held on 19 June 2020.

#### **14.2 COMMITTEE STRUCTURE REVIEW SUB-GROUP - MEETING HELD ON 9 JULY 2020**

Ms Long presented the minutes\* (EAB/8/20/9.1) of the Sub-Group meeting held on 9 July.

On the proposal of Mr Lundy, seconded by Mr Craig, the Board approved the minutes\* (EAB/8/20/9.2) of the meeting held on 9 July 2020.

### **15. DATES OF BOARD AND COMMITTEE MEETINGS 2020/21**

The schedule of Board meetings for 2020/21 was approved.

### **16. ANY OTHER BUSINESS**

#### **EDUCATION RESTART PROGRAMME**

The Board agreed to hold a special meeting at the end of August to receive a report on the Education Restart Programme.

### **17. DATE OF NEXT MEETING**

Special meetings of the Board would be held later in August (to consider Standing Orders and to consider the Education Restart Programme). The next monthly meeting would be held on 24 September 2020.

The meeting ended at 4.15 pm.