NI Guardian Ad Litem Agency

Professional Accountability Framework

2014
# Table of Contents

**Introduction** ...................................................................................................................... 4  

**Background** .......................................................................................................................... 4  

**Core Values and Strategic Themes/Objectives** ............................................................... 5  

**Drivers for change** .............................................................................................................. 7  

**Development of the Framework** .................................................................................. 11  

**NIGALA Professional Accountability Framework** ....................................................... 15  

**Link to NIGALA Leadership and Management Framework** ........................................... 19  

**Conclusion** .......................................................................................................................... 20
Document Control

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Document Status
The current status of this document is final
Introduction

The Northern Ireland Guardian Ad Litem Agency (NIGALA) is committed to delivering a high quality service to the children and young people who are the subjects of public law and adoption proceedings in Northern Ireland. The quality of professional practice and the performance of the Guardian Ad Litem is central to the success of the Agency and to the quality of the service user experience. The Management Statement and Financial Memorandum (MSFM) and Regulations 8 and 10 of the Guardian Ad Litem (Panel) Regulations (Northern Ireland) 1996 require that the Agency advise on the standards of practice of Guardians ad Litem in relevant proceedings and monitoring the work of the Guardian Ad Litem for the purposes of quality control and the efficient delivery of services within budget agreed annually with the DHSSPS. The purpose of this document is to provide a framework and guidance for the professional social work workforce within NIGALA.

This Framework sets out the accountability arrangements to ensure consistent quality of Guardian Ad Litem practice and performance which will be monitored and assessed through the NIGALA supervision and appraisal arrangements. The paper sets out the drivers for change as a context for the implementation of robust quality assurance mechanisms for oversight of Guardian Ad Litem live cases and takes account of the Guardian’s professional role in independently representing and safeguarding the interests of children in court proceedings.

Background

The RQIA, in its Independent Review of the Governance Arrangements of NIGALA (March 2013), recommended that NIGALA should ensure that Guardians have access to supervision which is “appropriate to their needs and requirements, recognises their responsibility to be an independent voice for the child, but holds them to account for the quality of their professional practice and performance”. This recommendation acknowledged the independence of the Guardian role but required a shift in accountability with the Agency undertaking an increased role in monitoring the professional performance of its staff. As a result, the Agency undertook a review of its accountability arrangements as they relate to the work of Guardians.
The RQIA review of NIGALA identified the need for enhanced accountability in live cases whilst safeguarding the Guardian’s professional independence. Specific reference was also made to the Guardian’s reports “NIGALA should keep under review the format of court reports to make sure that they are sufficiently analytic and provide only relevant information in a format that is both succinct and proportionate to the complexity of the case. NIGALA should introduce a system of quality assuring live reports produced by Guardians”.

The NIGALA Senior Management Team are clear that the elements of NIGALA’s Professional Accountability Framework will support the achievement of these recommendations, and help to embed the necessary behaviours, skills and knowledge into the culture of the organisation. The Professional Accountability Framework is part of an integrated programme of improvement within the organisation. It is therefore one of a number of vehicles through which the values and principles are embedded to support delivery of the Agency’s strategic objectives.

Core Values and Strategic Themes/Objectives

NIGALA is committed to continuous professional development and to improving standards of practice which promote positive outcomes for service users. The NIGALA Corporate Plan (2013-2015) which includes a Business Plan identifies the Agency’s strategic themes, strategic objectives and operational objectives (appendix 1). The plan takes account of recommendations identified in a review report from Investors in People (IiP) Post Recognition Report (July 2012) and those in a review carried out by the Regulation and Quality Improvement Authority (RQIA) “The Independent Review of the Governance Arrangements of NIGALA (March 2013)”, as well as DHSSPS priorities.

This Framework has been designed to assist in the delivery of the Agency’s key strategic themes, as set out in the 2014/15 Business Plan;

- Compliance with legislation and Guidance
- Efficient use of Resources
- Children at the centre of NIGALA decision making process
- Valuing staff and promoting learning
- Delivery of a quality service to agreed standards
NIGALA constantly strives to deliver a service of the highest quality and seeks to utilise the resources at its disposal in the most efficient and effective manner. In keeping with the recommendations of the Francis report on the Public Inquiry into the Mid Staffordshire Foundations NHS Trust (June 2010) this Framework is designed to underpin a child focused open and transparent quality service with a compliance to fundamental core standards.

Five core values are enshrined in NIGALA’s culture and these underpin the delivery of the five core strategic themes of the organisation.

**Diagram 1**

![Diagram showing the five core values feeding into strategic themes](image)

**Drivers for Change**

While NIGALA’s legislative mandate remains unchanged the strategic context within which the Agency operates has changed significantly. Increased workload demands and the “Guide to Case Management in Public Law Proceedings” have combined to determine the need to refine the role of the Guardian.
NIGALA operates within the context of wider quality assurance mechanisms including professional standards, Health & Social Care quality standards, independent review reports from RQIA and IiP. Appendix A sets out some of the governance, accountability and strategic changes, however the Key Drivers for Change are identified below:

Diagram 2.

Pressures on the Family Justice System
It has generally been accepted in England and Wales that the system of family justice is increasingly under pressure (Family Justice Review, November 2011) with a similar recognition (Access to Justice Review, August 2011) emerging in Northern Ireland. In the absence of change, continued growth in demand is likely to become increasingly problematic in the management of timely outcomes for children subject to court proceedings.

Quality and Service User Outcomes
The Agency has reconstituted its Social Care Governance (SCG) Committee in order to ensure compliance to regional Personal and Public Involvement (PPI) strategy and the recommendations of the Francis Inquiry 2013 (Report of the Mid-Staffordshire NHS Foundation Trust Public Inquiry chaired by R. Francis QC). SCG is responsible for quality,
safety and standards in Health and Social Care and for professional standards oversight in the Guardian Ad Litem service.

Financial Climate of Austerity
Increased demand within limited resources and need to demonstrate increased effectiveness, efficiency and productivity within the NIGALA funding envelope.

Increased Demand for Service
Demand for services has risen by 159% from 2006 – 2013 likewise there is a strategic focus on the foreshortening of the duration of care proceedings which is impacting on the role of the Guardian and the manner in which they carry out their duties.

Outcomes of Inspection and Reviews
The Agency underwent two significant reviews in 2012 (liP post recognition review report and the RQIA review of the NIGALA Governance Arrangements) which reported in 2013.

Enhanced Governance and Accountability
Role of the Board, Statutory accountability mechanisms, DHSSPS requirements for increased board effectiveness and oversight of the delivery of the organisations strategic objectives.

Performance management and quality improvement - an integrated programme of change across the Agency
A number of elements are key to shaping the culture of NIGALA (Diagram 3). The Professional Accountability Framework is one of the supporting strands in the overall programme of change within the Agency.

Diagram 3
In 2013/14 the Agency reviewed its approach to performance management and accountability and put in place a range of initiatives including the following:

- **Revised Appraisal policy** to focus staff on the need for NIGALA to achieve its organizational objectives and to enable open discussion about performance between staff and line managers/case coordinators.

- **Enhanced Guardian Case Information System** (GCIS) provides enhanced functionality to support accountability for service delivery.

- **Professional Development Framework** designed to promote action learning and knowledge exchange through Professional Development Groups underpinned by a coaching approach.

- **Communication Strategy** designed to ensure that there is a clear form of communication and reporting lines from the front-line workers to director level and from the organisation to all external users and stakeholders including the public.

- **The Refined Role of the Guardian** designed to enable the Agency to meet rising demand for services while retaining children’s interests as the fundamental guiding principle in the delivery of the Guardian Ad Litem service.

- **Learning and Development Strategy** to promote a culture of learning that aims to equip staff with the necessary knowledge, skills and values pertaining to their
role and ensuring all training activities advance the goal of providing the best possible service to children and young people.

- **Leadership and Management Framework** defining leadership and management competencies to enable an adaptive, resilient organisation with high commitment and capacity for innovation and change.
Development of the NIGALA Accountability Framework

In response to the RQIA review of NIGALA (2013) the Agency has devised an overarching quality assurance framework that will support accountability arrangements, tracking the Guardian’s input in a case from allocation to case closure to evidence compliance to quality standards premised on the following;

- The welfare of the child
- Guardian’s conduct of a case
- Guardian/Solicitor working relationship
- Guardian’s enquiries and interventions
- Adherence to expectations of refined Guardian role and case management guidance
- Feedback mechanisms (Trusts, Solicitors, Children, Judiciary)
- Report writing-revised report formats and recording policy emanating from the refined Guardian role consultation.
- Records Management and Recording Practice-adherence to information governance, records management and data protection
- Participation of children in court proceedings - implementation of proposals ratified through the children’s participation group
- Continuous professional development

Current Quality assurance mechanisms and oversight of the role of the Guardian

The Agency currently deploys a range of approaches to quality assurance and support of the work of Guardians as set out below;

Induction
At the outset of their appointment all Guardians complete a comprehensive induction programme and are assigned a mentor to provide support and assist their transition to the role of Guardian.

Supervision
Supervision is facilitated on a monthly basis up to the point of the probationary appraisal. The supervisory role and relationship is crucial to assisting the Guardian manage the multifaceted aspects of the role and the exercise of professional independence, understanding the parameters’ of their role and the court process.

Supervision consists of a review of all live cases and is largely dependent on the Guardian self reporting and reflecting on issues in live cases. The supervision record is signed by both the guardian and manager.

**Probationary appraisal**
The probationary appraisal is conducted by the Chief Executive and Assistant Director who review one closed case file. On successful completion of the probationary period supervision is bi-monthly for a year reducing to quarterly thereafter.

**Appraisal**
The four formal supervisions per year are supported by an annual appraisal. The Guardian and manager identify a file for audit. The manager reads the file and inserts the managers comments on the file evaluation form already completed by the Guardian under the following headings-

- Case Management / Timetabling
- Assessment and case analysis of key issues
- Children’s Participation
- Welfare Checklist / Safeguarding
- General reflection-added value of the guardian input.

Currently this is the only opportunity for an operational manager to review Guardians work.

The Guardian KPI’s are reviewed -

- Average live caseload of 11 per wte
- Case outcome inputted on GCIS within three days of final hearing
- Case file administratively closed and returned within three months of the final hearing
- Children's feedback mechanisms
The existing appraisal format incorporates the Agenda for Change Knowledge and Skills Framework. The appraisal is written up and objectives identified against the relevant performance indicators.

**Training and Development Support**

The Guardian has a separate meeting with the Quality Assurance and Training Manager (QA & TM) to address their training and development needs. The QA & TM also completes a quantitative audit on all closed case files. There is currently no linkage between the substantive appraisal and the learning and development review completed by the QA & TM. Guardians must evidence ninety hours of continuous professional development to retain their registration to practice as governed by NISCC.

The NIGALA Quality Standards (1997) incorporate a number of standards against which broad issues are cited but do not identify measures to evidence qualitative evaluation.

**Consideration of Revised Quality Assurance Mechanisms**

The Agency engaged in a SWOT analysis assists in considering implementation of change in respect of accountability mechanisms relating to live cases. It is of note that the identified strengths and opportunities exceed the envisaged weaknesses and threats.

<table>
<thead>
<tr>
<th>STRENGTHS</th>
<th>WEAKNESSES</th>
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<tbody>
<tr>
<td>Committed practitioners</td>
<td>Autonomous professionals</td>
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<td>Experienced staff</td>
<td>Resistance to change</td>
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<td>Positive RQIA Review</td>
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<td>IIP Bronze Award</td>
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<td>OPPORTUNITIES</td>
<td>THREATS</td>
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<td>---------------------------------------------------</td>
<td>------------------------------------------------</td>
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<tr>
<td>key drivers supporting change</td>
<td>Enhanced accountability</td>
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<tr>
<td>Guide to Case Management</td>
<td>compromising independence</td>
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<td>Legal Aid Reform</td>
<td>Targets and KPI’s driving</td>
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<td>NIGALA Solicitor Panel</td>
<td>culture of the organization</td>
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<td>Refined Guardian role</td>
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<td>Strategically Influencing hearts and minds to</td>
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<td>achieve child focused outcomes</td>
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<td>Maximise investment in technology</td>
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<td>Improved Peer Support</td>
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The NIGALA Professional Accountability Framework

This section sets out the core components of the Guardian ad Litem role and evidence based evaluation of practice.

Existing KPI’s focus on quantitative information with an absence of qualitative measures. The Accountability Framework shifts the focus onto evidence and observable facts aligned to NIGALA corporate and business objectives.

Supervision will be revised to assist guardians reflect on themes/issues in a range of their cases and to supply sample information to evidence their practice. This will facilitate a move to competence and evidence based practice and a move from the existing narrative and factual detail pertaining to cases. The core elements of the guardian role will be utilised as a framework to support this. There will be no additional demands on the guardian as existing case related information / material will be used to evidence their practice.

The Framework is set out in terms of NIGALA Professional Standards and takes cognisance of relevant NIGALA policies, procedures and strategies along with the Guide to Case Management (2009). This is premised on the timeline for oversight of a live case as follows;

**Working with the Solicitor to represent the child’s wishes and feelings and represent their best interests**

**Supporting evidence**
- Adherence to the procedure for the appointment of solicitors
- Adherence to the Gal/Solicitor protocol.
- Recording/ correspondence supporting instruction provided and case updates to solicitor
- Solicitor evaluation

**Engaging with and representing the child**
Supporting Evidence

- Range of tools and techniques used to reflect a repertoire of knowledge and skills related to Child's developmental stages and assessed needs.
- Meeting with the Child on their own or evidence of an assessment that determines otherwise
- Child's wishes and feelings incorporated in court reports
- Child's participation – for the older / competent child being informed about and involved in proceedings and for the younger child, through the Guardian’s report to court
- Assisting Solicitor in respect of representation of competent young person
- Use of child's report format
- Case Closure Correspondence for the Child

Enquiries – Information Gathering

Supporting Evidence

- Planned and purposeful interventions – added value, child and solutions focused
- Reading files/case documents
- Interviewing relevant parties-parents/ carer's/ professionals
- Attendance at meetings
- Observation of contacts
- Attendance at Court Hearings

Assessing Information

Supporting Evidence

- Instructing Solicitor
- Initial analysis report
- Adherence to Court Directions
- Case records
- Identifying need for assessments / letter of instruction to expert
- Final report-use of policy, literature, research to inform thinking and support recommendation
• Human rights and UNCRC considerations evidenced
• Reflection on issues and challenges
• Use of supervision, professional development
group

**Final Hearing Stage**

**Supporting Evidence**
• Final report or appropriate records of advice to the Courts
• Evidence of refined role
• Analysis evident
• Case outcome updated on GCIS within KPI
• Child personal data update (Equality data)
• Child Feedback

**Case Discharge**

**Supporting Evidence**
• Case Paper File records managed as per policy
• Case closed within KPI

**Overview of KPIs**

• Number of Court Hearings attended by the Guardian Ad Litem
• Review of Guardian activity along the timeline of a case
• Case Duration (avoiding prejudicial delay to child’s timescale)
• Average Caseload (Adoption/Specified Mix, Court tier and Trust): linked with GCIS
caseload weighting
• Solicitor Usage
• Purposeful Intervention relative to parameters of Guardian role
• Support for Guardian
• Live case related evidence (formal)
• Administrative efficiency
• Recording up to date and within KPI timelines/Recording policy
• File closures progress (1 month, 2 month 3 month review – GCIS alert)

Appraisal
• Case file audited against key Knowledge and Skills Framework
• Case Duration (avoiding prejudicial delay to child’s timescale)
• Child’s voice – wishes and feelings, child’s participation
• Average Caseload (Adoption/Specified Mix, Court tier and Trust)
• Solicitor Usage and Evaluation
• Comments and Compliment and Complaints
• Efficient use of ICT
• Reciprocal Feedback Mechanisms - themes informing practice (PPI, SCG)
• Continuous Professional Development including NISCC mandatory hours

Training and Development
• CPD in line with NISCC requirements (noting 90 hours as a minimum)
• Mandatory training including e-learning
• Evidence of Contribution to and participation in NIGALA staff meetings, Away Days, working groups (informed by baseline knowledge and skills audit)
• Contribution to and participation in peer learning and Professional Development Groups
• Attendance at internal and external training
• Children’s Participation - peer learning and sharing of ideas and resources

File Review and Practice audit
The Professional Accountability Framework will be augmented by a revised Agency approach to quality assurance and oversight of court reports. The Quality and Training manager will review a selection of closed case files against revised quality standards and audit questions.

NIGALA will produce an annual audit plan for the Social Care Governance Committee premised on issues emerging from the Committee’s overview of complaints and the line manager’s supervision and appraisals.
The Agency has developed a Leadership and Management Framework in response to IIP recommendations. This recommendation required the Agency to consider defining leadership and management competencies to enable an adaptive, resilient organization with high commitment and capacity for innovation and change. The Framework has been developed to align closely with NIGALA’s strategic theme of Valuing Staff and Promoting Learning. The NIGALA Accountability Framework takes account of the following principles of the Leadership and Management Framework:

- Ensuring that there is clear alignment of organisational objectives to those at team and individual level.
- Ensuring that all staff understand the wider context in which the NIGALA service is delivered.
- Ensuring Influences for success.
- Ensuring all staff are Role models for the values of NIGALA.
- Ensuring all staff understand the structure in which they work, locally and strategically.
Conclusion

The Framework will be subject to ongoing review and amendment as part of the implementation phase and will be formally evaluated within 3 years of implementation.

A shift in focus to enhanced accountability must be underpinned by structured and varied mechanisms for staff development and peer support/review. These are set out in the Professional Development Framework and in the Learning and Development Strategy.

NIGALA Accountability Framework based on Professional Standards

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<thead>
<tr>
<th>Professional Standards</th>
<th>Evidence/Performance Indicators</th>
<th>Links with Strategic Objectives</th>
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Page | 20
| 1. The Welfare of the Child | Guardian supplies sample of evidence in support of methods of engagement, tools and techniques used with the child.  
- Evidence of how the Guardian role was communicated and the child’s wishes and feelings elicited and represented relative to child’s age and understanding.  
- Sample of case records and court reports to support range of independent enquiries, purposeful and analytic input and integration of the welfare checklist.  
- Assisting the Solicitor in determining competence and representing the young person.  
- Compliance with refined Guardian role. | SCG - Children’s participation and representation  
Equality - consideration of child’s specific need related to disability, ethnic identity, sexual orientation.  
Training strategy and peer support mechanisms  
GCIS case load weighting. |
|---|---|---|
| 2. GAL Conduct of a Case | Evidence of enquiries undertaken to inform Guardian’s recommendation - sample review of GCIS interventions.  
- Initial analysis report - assessment and analysis informed by the child’s | Protocol for the working relationship between the guardian and solicitor.  
Procedure for the appointment of the solicitor.  
GCIS tracking-timescales/interventions  
Training and development – |
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<th>needs and timeframe.</th>
<th>record of CPD.</th>
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<td></td>
<td>➢ Reference to relevant literature/research.</td>
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<td>➢ Working effectively with the solicitor - timetabling, transfer of proceedings, expert instruction, use of C2’s.</td>
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<td>➢ Sample of case recording</td>
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<td>➢ Review of case duration to evidence compliance with Guide to Case Management.</td>
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<td>➢ Guardian ability to reflect on practice and consider options in a balanced manner.</td>
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<td>➢ Evidence of analytic, child focused and evidence based report.</td>
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<td>➢ Welfare checklist</td>
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<td>➢ Contact provision</td>
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<td>➢ Critique of care plan</td>
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<td>➢ Cross reference evidence relating to welfare of child and Guardian conduct of</td>
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| 4. Records Management and Recording practice | - Completion of mandatory training  
- Compliance with relevant Agency policies  
- Appropriate use of pink and blue case files  
- Use of CJS  
- Sample of case recording  
- Review KPIs – case file closure and returns | Data Protection Act (1998)  
NIGALA Recording Policy  
NIGALA Retention and Destruction Policy  
DHSSPS Good Records Good Management(2011) |
|---|---|---|
| 5. Participation of Children in Court Proceedings | - Evidence of explanation of Guardian role  
- Means of engagement and keeping child informed  
- Reference to representation in court report  
- Feedback mechanisms at case closure  
- Children’s needs and interests –welfare checklist  
- Diversity – links with s.75  
- Work with Solicitor - determination of competence, respective roles and responsibilities. | Personal and Public Involvement  
Social Care Governance Equality  
Agency’s legislative mandate  
Guardian/Solicitor protocol |
- Attendance at training. | NIGALA Learning and Development strategy  
Peer support initiatives |
- Participation in non case related activity.

- Integration of knowledge and skills in practice-work with children, oral and written communication.

- Evidence of keeping up to date with practice developments and literature/research.