

Meeting Minutes: Redress Scotland Oversight Board

Date: 14th December 2022

Minuted by: Diane Piper

In attendance

- Johnny Gwynne(JG) (Redress Scotland Oversight Board Chair, Chair)
- Bill Matthews(WM) (Redress Scotland Oversight Board Deputy Chair)
- Colin Spivey(CS) (Oversight Board Member, Redress Scotland Board Member)
- Anne Houston(AH) (Oversight Board Interim Member, Redress Scotland Panel Member)
- Emma Lewis(EL) (Oversight Board Interim Member, Redress Scotland Panel Member)
- Joanna McCreadie (JM) (Redress Scotland Chief Executive)
- Michelle Nairn (MN) (Redress Scotland Head of People)
- Mike Stevens (MS) (Redress Scotland Head of Finance and Resources)
- Gary Gallacher (GG) (Redress Scotland Head of Operations)
- Melanie Lowe (ML) (Redress Scotland Policy & Engagement Lead)

Not in Attendance

- Tom McNamara (TM) Deputy Director,
-

Agenda item 1. Welcome, apologies and conflicts of interest

The Chair (JG) welcomed everyone and opened the meeting.

JG advised that 4 new non-executives have been appointed to Redress Scotland. Colin Spivey, Roy McComb, Paul Edie and Neil Mackay. Colin will continue attending both the Audit Risk and Assurance Committee and the Oversight Board. Roy and Paul will attend the Oversight Board and Neil will attend the Audit Risk and Assurance Committee. Induction training is scheduled to start on Monday 19th December and will continue into January.

JG continued that with these new appointments in place work can progress on finalising the Framework Agreement. The final draft will come to this meeting for sign off.

In terms of today's meeting JG advised a change to the order of the agenda with Item 6, Report on errors by sitting panels, being moved to the end of the meeting. Due to the nature and content of this report both AH and EL will leave the meeting for this item and a separate minute will be prepared.

JG asked WM to take the role of representing the survivor voice.

The previous meeting on the 16th November was not quorate and the decisions proposed at that meeting, together with supporting documentation, were circulated and agreed out with the meeting.

These were formally noted as approved.

- Minutes from the meeting on 28th September (Item 2)
- Budget 2023/24 (item 9)
- Grievance Policy (Item 11.1)
- Whistleblowing Policy (Item 11.2)

There was discussion around the Whistleblowing Policy and how to make this more accessible within the Redress Scotland team. The board agreed to appoint one of the non-executives as whistleblowing champion and to act as an independent point of contact. AH advised she has extensive experience in this area and offered to support where she can.

Action 1 develop a plan for raising awareness of whistleblowing within the organisation to include the appointment of a non-executive as the point of contact on such matters. MN/AH.

MS advised that our budget request to Scottish Government has been approved in principle and we can expect formal notification in due course.

Agenda item 2. Minutes of the previous meeting 16th November 2022

The minutes of the previous meeting were agreed as an accurate record of the meeting.

Agenda item 3. Matters Arising

There were a number of additional matters which arose at the 16th November meeting,

- Immediate media response plan. The paper presented for information outlines the process for preparing and signing off media responses. The need for this plan was also discussed at the Audit Risk and assurance committee.
- MS confirmed that the lack of appointment of external auditors has been added to the operational risk register and referenced in the strategic risk register.
- The paper on board self-evaluation was previously circulated to members and will go forward to the January meetings of the Audit Risk and Assurance Committee and then the Oversight Board for final sign off.
- The guidance for observation of sitting panels is complete and will be circulated to panel members.

Agenda item 4 Report from the Chief Executive

The report from the Chief Executive reflects the organisation's progress against the Corporate Plan and mission.

JM highlighted that there has been less completed applications than we forecast but this has allowed time to work through practice developments and issues. There has been a higher than expected number of reconvened panels. This has an impact on survivor's experience of the scheme and will be a future area of focus for the operations team.

Work has been undertaken through the Survivor Forum to inform survivors of what to expect from the scheme. The challenge now is to bring together Survivor Forum voice, panel members and feedback from Scottish Government and provide useful information for survivors and external stakeholders.

Good progress is being made to strengthen our working relationships with Scottish Government at all levels. We have also been more proactive in our communications with survivors. Work with Charlotte Street Partners continues and next year we will continue to develop our communications.

In looking forward to the next 3 year corporate plan, JM advised that we would continue to measure our performance against our mission and strategic aims in the current Corporate Plan. The team continues to operate with a substantive workload and are still balancing both set up activities and operational delivery.

The People Team are working with Harper McLeod to review employment contracts to better reflect that we are a virtual organisation where staff work from home. Also under consideration is a move to a 35 hour working week.

JG thanked JM for leading the organisation from start up to where it is now with an established senior management team, and an effective cohort of panel members and support for decision making on behalf of survivors and other applicants who have placed their trusted in Redress Scotland with their applications for determination. To date the organisation has received 364 applications and made 256 decisions. As an organisation we have developed policy, practice, staff and operations all in the first year. The members concurred with JG's observation and congratulated JM for steering the organisation to where it is today.

It was noted that copies of the chairs circulars, and accompanying documents will be available on the website.

Also noted were the number of reconvened panels for clarifying questions. These cause delays in the process and can cause anxiety for survivors. In order to mitigate concerns about being asked for more information a leaflet for survivors is being developed to explain why panel members do this. The leaflet will be available in both electronic and hard copy form. Other methods of communication are also being considered.

GG confirmed that discussions continue with Scottish Government over the process and guidance for redaction within survivor applications and expects to have a further update by the January meeting.

MN advised that once our Health and Safety consultants are confirmed we will be able to progress further work in the areas of home working and wellbeing.

Recruitment tracker reflected that there is only one outstanding appointment.

Dashboard Report . The board were reminded that work is currently being undertaken with our Data Analyst to validate the information we have and is also designing a key summary of the information this meeting considers essential for scrutiny. This will come back to the January meeting.

Action 2; Key summary of dashboard information to be presented to January meeting.

Agenda Item 5 Strategic Risk Register

JM advised that this was split some time ago between Strategic and Operational risks. There is a workshop on risk planned for January and in the intervening period it was agreed that more work would be done on the post mitigation scores and the addition of the risk of loss of personal data. A short covering note will also be prepared before publication.

Agenda item 6. Quality Assurance and Improvement Separate minute prepared

Agenda item 7. Capacity of panel and team members

GG presented a paper outlining the various options to be considered in preparation for the flow of applications expected in the new year. Following a detailed presentation JG opened the floor for discussion and the board agreed,

- For the Senior Management Team to reinforce the burden of proof standard within Redress Scotland
- The Board acknowledged the discretion available to the operations team to make any necessary changes to the deployment of panel members including reducing the number of panel members to 2 where supported by the legislation and statutory guidance
- In light of the suggested improvements to panel member availability by removing the compulsory inclusion of a lawyer on each panel this scheduling principle will be removed at this time. This change will also continue to promote a culture of equality in panels with individual members using their own expert knowledge and experience in decision making.
- GG will further develop a proposal on increased checks of completed applications before they are allocated to sitting panels. The concept was endorsed but the board requested a more detailed and costed strategic and financial paper to be presented to the next meeting.
- It is difficult to predict the future demand for panel sittings, and while the above noted measures will increase capacity there is still the risk of the organisation facing

a substantial backlog of completed applications and this impacting on survivors applying to the scheme. In order to plan for this eventuality the board agreed to start discussions with the sponsor team with a view to recruiting more panel members. Experience would suggest that this process can take up to 6 months therefore it was considered prudent to start work at this stage with the aim of being prepared if there is a need to increase numbers of panel members.

JG requested that an update on the effectiveness of the agreed changes are brought to the March meeting.

Given the nature and content of the paper JG requested that the paper be adjusted as exempt from publication.

Action 3 Paper on increased checks and operational implications to be presented to the January meeting , GG.

Action 4 Capacity Planning Prepare for recruitment and the CEO and Head of Operations to implement other changes as follows

- 1. Undertake the necessary preparatory groundwork for the recruitment of more panel members (ie but not expedite the process at least for now)***
- 2. Reinforce the burden of proof standard for clarity to all panel members***
- 3. Immediately implement changes to trial appropriate 2 person panels, and further improve available panel capacity by***
- 4. Removing the documented scheduling restriction whereby every panel must have a legal member.***

These changes will be reassessed at the March Oversight Board meeting JM/GG

Action 5 Paper to be marked as exempt from publication and resent JM/ML

Agenda item 8 Survivor Impact Assessments

ML advised that more work will be done in this area and that the Survivor Forum will be consulted. It was noted that several of the papers presented to this meeting have included survivor impact assessment statements.

The Board agreed to this approach and this item will be revisited at the March meeting.

Action 6 Report on Survivor Impact Assessments to come to the March meeting, ML

Agenda item 9. Finance

MS advised that there was an overspend in the reported period which has a slight impact on the projected underspend for the year. These figures will be incorporated into the next paper which will include a forecast to end of the year.

MS advised there were no cash flow issues.

MS confirmed that there was still no update from Audit Scotland. JG/WM will alert the Director General to this together with the potential implications. of this

The internal audit contract signed is now signed and an initial meeting will be arranged.

Action 7 Director General to be advised on the status of appointing external auditors. JG/WM

Agenda item 10. Policy Approvals

10.1 Privacy Notice

This policy was presented by MN. CS recommended two amendments. The first on page 2, recruitment process “ competitions run by Capita” no longer applies and on page 4 Scottish Government HR help to be removed.

Policy approved with 2 amendments.

Agenda item 11. Work Plan

Action Log

JG noted that most action updates were self -explanatory and highlighted one long standing action, 22.3, which is now complete. Clarification has been received that we cannot publish any Scottish Government information without their prior consent.

Work plan

JG advised that some items have moved to the first quarter of 2023. The plan will be reviewed fully in March 2023 to coincide with the start of the new financial year. By this time the organisation will have been operating for over 12 months and will have developed a better understanding of the challenges and our ability to respond and better resourced to plan and schedule necessary work.

JG requested that the following items be added to the workplan.

1. an annual Freedom of Information self-assessment. This is recommended by the Information commissioner as good practice.
2. an annual sponsor relations self-assessment which has recently been recommended by the Public Bodies Unit.

Action 8 Workplan to be updated with two items, Freedom of Information and sponsor relations self-assessments, DP

Agenda item 12. Any other competent business

There was no other competent business to note.

Agenda Item 13. Review of Meeting

JG asked WM to comment on the meeting in relation to the Survivor Voice. WM noted that most of the content of the meeting is about governance, however survivors and their needs and interests were included throughout the meeting. This reinforced the organisation's commitment about getting it right for survivors. WM concluded that he would be content if someone from outside the outside saw the way the board operated.