

Meeting: Redress Scotland Oversight Board

Date: 31st January 2024 0930-1230

Location: Online via MS Teams

Minuted by: Diane Piper (DP)

In attendance

- Kirsty Darwent (KD) (Redress Scotland Oversight Board Chair)
- Bill Matthews (WM) (Redress Scotland Oversight Board Deputy Chair, Audit Risk and Assurance Committee Chair)
- Colin Spivey (CS) (Redress Scotland Oversight Board Member)
- Paul Edie (PE) (Redress Scotland Oversight Board Member)
- Mary McCallan (MM) (Redress Scotland Oversight Board Member, Panel Member)
- Brian Houston (BH) (Redress Scotland Oversight Board Member, Panel Member)
- Joanna McCreadie (Redress Scotland Chief Executive)
- Gary Gallacher (GG) (Redress Scotland Head of Operations)
- Michael Stevens (Head of Finance and Resources)
- Michelle Nairn (MN) (Redress Scotland Head of People)
- Melanie Lowe (ML) (Redress Scotland Head of Policy & Improvement)

Apologies;

- Roy McComb (Redress Scotland Oversight Board Member)
- Gary Gallacher (GG) (Redress Scotland Head of Operations)

By Invitation;

Neil Mackay (Redress Scotland, Audit, Risk and Assurance Committee Member)

Agenda item 1. Welcome, apologies, conflicts of interest and appoint Survivor Voice

KD opened the meeting welcoming all present.

Apologies were received from RM and GG. There were no Board member conflicts of interest noted however item 12, Remuneration Discussion, has a potential conflict for

JM. This will be a closed meeting for Board members only and Head of People with a separate minute prepared by DP.

PE was appointed the survivor voice for the duration of the meeting.

Agenda item 2. Minutes of the previous meeting on the 15th and 30th November 2023

The minutes of the previous meetings held on the 15th and 30th November were agreed as an accurate record of these meetings with no further amendment required.

Agenda item 3. Matters Arising – Action Log

The Action and Decision log has been updated and will now include ongoing work of the Board and Audit, Risk and Assurance Committee.

Members were content the log has captured current actions and work focus.

Agenda item 4. Report from the Chair

4.1 Verbal Update from the Chair

KD advised there will be a standard structure to the Chair's report including, as relevant: notable diary events; emerging themes; meetings with survivors; and interactions with government and other key stakeholders

- **Diary events**

KD attended the Audit, Risk and Assurance Committee meeting on the 17th January as an observer and will continue to attend on occasion. KD observed a good level of discussion and scrutiny which adds value to the governance role of the Committee.

As part of the Budget process KD met with SG to discuss the grant in aid award and the implications in relation to the backlog of applications and the planned investment in a case management system.

A meeting took place with Charlotte Street where our media strategy was discussed and agreed.

There was a meeting with GG and JM in relation to the Chair's role with particular reference to the allocation of panel members and other operational activities. The meeting was fruitful and there is clear agreement about how KD will oversee these activities thereby effectively discharging her responsibilities as Chair.

There are regular monthly Board and Executive Support Team (BEST) Meetings in place. These will aid in setting the agenda for meetings and reviewing governance systems and processes.

KD has participated in the panel member training. The second cohort commenced training today, the first started two weeks ago. KD has attended all 3 of the 7 days that have been delivered so far. Feedback from those involved has been very positive.

- **Interactions with Scottish Government/Ministers**

Meetings have taken place with the Sponsor Unit, the Deputy Director and also the Deputy First Minister. These meetings included discussions around capacity and decision making. We anticipate there will be further guidance forthcoming from Scottish Government around previous convictions and the public interest test.

There were also discussions around the budget allocation of £5m. As an organisation we can operate at this level but there is no provision for a case management system, with consequent implications for organisational efficiency, or to invest in addressing the backlog of applications. All parties have been advised of the constraints we are working under.

Timescales will be developed by the team around the recommendations included within the annual report and accounts. A plan for how Redress Scotland will deliver on these recommendations will be shared with the Oversight Board.

It has been agreed that KD would meet twice yearly with the DFM.

- **Review of Governance**

KD stated that having been in the organisation for approximately six months, she had the opportunity to understand the governance of the organisation. Her assessment is that this is well developed and that changes being made are about continuous improvement. Some small developments to processes are being made, a number of which are on the agenda. The most significant is the development and sign off of the schedule of delegation.

4.2 Note and action plan OB self-evaluation

The notes and actions from the self-evaluation exercise undertaken in November were circulated with the papers and are presented for information. The intention is to adapt the actions into a running action log. KD asked for any feedback. All were content to accept the actions and incorporate these onto the action log.

Action; JM and the senior team to develop a plan to deliver the recommendations from the annual report.

Action; DP to update the action log with those identified from the self -evaluation exercise.

Agenda Item 5. Report on Audit, Risk and Assurance Committee Meeting

5.1 Update from meeting on 17th January 2024

5.2 Update on internal and external audit

WM led with an update from the Audit, Risk and Assurance Committee meeting noting the outcomes and actions from the November self-evaluation exercise. The agreed actions will be added to the action log.

A detailed report was prepared last year by 360 Defence looking at our systems. WM and NM met with and received significant assurance from 360 Defence to both their experience and findings however the feeling is there is still some work to be done. WM, NM and JM and WM will consider this further and this item will come back to Audit, Risk and Assurance Committee in due course.

TIAA, our Internal auditors were present and advised that the work on equalities and diversity is complete and we received reasonable assurance which is an excellent result for a young organisation.

One further internal audit report will be undertaken this financial year on Fraud.

The committee considered the internal audit plan for next year 2024/25 and will sign this off at the next meeting.

WM also met with Audit Scotland who noted the high quality input of the work adding that good working relationships have been established with the finance team. We are currently identifying other areas for them to support the organisation.

Agenda item 6 Report from the Chief Executive

6.1 Chief Executive's report

6.2 Dashboard report

JM advised her report has been based around key issues rather than the business plan. The next meeting will provide a full report against the business plan.

Key issues raised include;

- Work has been underway to progress the recommendations contained within the annual report and accounts and an action plan has been drafted.
- A timescale of 3 months has been proposed for the development of shared standards with Scottish Government.
- JM and the senior management team are looking at the impact of the budget settlement and ways in which we can improve efficiency without detracting from quality. Work on reducing the backlog of applications will be prioritised.
- Under recommendation #4, rather than bring in an external communications organisation we want to ask survivors to evaluate the communications within Redress Scotland. We intend to support them and are considering remuneration for this.
- Pace of decision making – we are not achieving our KPI and there is the need now to have a full discussion and review of this. There is the risk that we will be perceived as moving the goal posts however the current KPIs are not helping us or survivors. This will come back to Board for further discussion, and consideration will be given to this by the Chair, Deputy Chair, Chief executive and senior team.
- A letter has been received in relation to public sector reform, inviting us to respond by outlining any spend to save projects and identifying more innovative ways of working.
- Retention and Exit plan. JM met with WM and MN. Discussions continue between Trade Unions and Senior Management Team. The current projection is that we will require a full team for 2 years after closure to process applications, then 6 months for full closure. We are at risk of losing good staff and panel members in the closure phase. Board members were asked to note the challenge and associated risk.
- A 4 day working week has been piloted in some public sector organisations. However, given the change to budget and the challenge around the queue of applications we feel we are not in a position to do any further work on this.
- The decision on the budget allocation has been significant and the organisation will have to manage this as effectively as possible. There is an opportunity to re-engineer some of the work we undertake without losing focus on the quality of decision making and pace.

Board members discussed JMs presentation and were supportive of the direction taken in these areas. In addition, it was suggested that we consult with the Civil Services Commissioner to explore the possibility of staff moving to the civil service after closure. CS offered to support.

Action; JM/MN to consult with the Civil Services Commissioner to explore the possibility of staff moving to the civil service after closure. CS to support.

Action; JM and the senior team to bring a report on KPI's to the Oversight Board.

In relation to the longevity of the organisation it was agreed that the language used around this is important as it can impact on the team. All parties to the scheme should be mindful of this. JM will raise this with the Deputy Director at their February meeting.

6.3 Media Management Procurement

The paper presented outlines the procurement process we followed to tender for this service. Following discussion, the Board agreed the recommendation to withdraw from the procurement process and bring the service in house. The Board satisfied themselves that there was sufficient expertise and resource within the organisation and that a review would be undertaken in 6 months' time to reflect on the impact of the change and any challenges.

Action – ML to provide an update to the Board in 6 months' time.

6.4 Review of Strategic Risk Register

6.5 Copy of Strategic Risk Register January 2024

JM requested the Board to approve the increased risk value under Decision Making and the inclusion of Digital as an additional risk.

The Board approved the changes subject to a rescoring of the Digital risk. It was further agreed to include a section at the end of future agendas for **new and emerging risks**.

Action; JM to redraft the risk register and to circulate before the next meeting.

Action; DP to add “new and emerging risks” to future agendas.

Agenda item 7. Finance

7.1 Period 9 Management accounts

MS reported an underspend at the end of Period 9 of £40k. This is due primarily to a delay in the on-boarding of new panel members and the original profile had been based on a larger number of sitting panels.

£450K has also been removed from the forecast which related to an investment in a case management system. The reduced budget is now £4.5m. It is further recommended that another £150K is stripped out and that we give back £600k leaving £65k for further work on cyber security. The revised budget for this financial year will reduce to £3.9m.

Action: Plan to be developed to progress the work identified from the cyber security report undertaken by 360 Defence. WM, NM and JM.

Action; MS to communicate with Scottish Government on this year's budget position and underspend.

7.2 Budget 2024/25

MS updated the Board with changes to the 2024/25 budget. Our request was for £6.1 and the award made was £5m. We will no longer progress the case management system or the proposed plan to reduce the backlog of applications. Savings will be made by bringing communications in house. A £10k provision has been made for special projects.

There was a question around the amount provided for legal fees and this will be maintained at the current level in the event that there is a judicial review. JM added that in terms of practice we are seeing a fairly steady stream of requests for legal advice and there is an increase in more complex cases. We will also require legal services to guide our exit and retention plan.

KD thanked MS and reminded members this item was for Information and scrutiny only and will be ratified at a future date once the Redress' funding is approved by Scottish Government when the budget is agreed by the parliament.

Agenda item 8. Governance

8.1 Schedule of Delegated Authority

JM advised the Board that this was presented as a first working draft. KD and JM agreed to share the paper at this stage to allow members the opportunity to provide.

Action: JM to progress the Schedule of Delegation and bring to the March meeting of the board.

8.2 Governance Formatting (including forward plans)

KD advised this paper was for noting and contains several documents which will be used for both tracking and forward planning.

8.3 Working arrangements for non-executive members

KD presented the paper as a useful guidance for non-executive members and Board Colleagues can decide if they wish to adopt this.

There was one query around the use of eRDM and the inclusion of training days.

Members were advised that the access permissions to governance folders within eRDM were being updated and once complete there is an expectation that this will be our preferred method of sharing papers. There are several training modules developed to aid with its use.

KD agreed to revisit the training section within the guidance and recirculate.

The Board were content to approve this paper subject to KD adding a narrative around training.

Action; KD to revisit the training section within the guidance and recirculate the paper.

8.4 Non executive performance and appraisal

Members were content to accept the template as presented for use during their annual appraisal. Dates will be arranged for individual reviews and following these amendments to the template and /or the process can be made.

Action: Dates for individual member assessments to be confirmed and following these a review of the template will be undertaken.

Agenda Item 9. Policy Approvals

9.1 Conflict of Interest Policy

ML advised that the policy presented has been revised based on feedback from both the Audit Risk and Assurance Committee and Board members. The policy details how the organisation will manage conflicts of interest of board and panel members and now includes a public facing register.

ML thanked NM who signposted to Scottish Government. The new policy is more streamlined, easier to read, and signposts out to Standards Commissioner for Scotland Code of Conduct

MM suggest including that any potential conflict is reported to both the Scheduling Manager and the Panel Chair and that if the conflict is first notified on a sitting day then it should be recorded.

CS also suggested the review date within Section 8 is amended.

The policy was approved by the Board subject to the noted amendments.

Action; ML to amend the policy as highlighted and recirculate to all members.

9.2 Fraud Policy

MS advised that the revised policy has been scrutinised by the Audit, Risk and Assurance Committee and recommended changes made.

Several further amendments were suggested

- On the 3rd line remove “specific residential care setting” to “other relevant care setting”
- JM noted that following the Audit, Risk and Assurance Committee she was working on a further revision around wording with JG. These would not significantly impact the policy.
- Add a section to note that we will keep a record of our discussions with Scottish Government and highlight these to Audit, Risk and Assurance Committee. A new agenda item will be added to Audit, Risk and Assurance Committee.

KD confirmed members were content to provisionally approve the policy which will be amended and circulated for final sign off by email.

Action; JM/ MS to amend the policy as outlined and circulate for final sign off by email.

Action; DP to add a section to the Fraud item on the Audit, Risk and Assurance Committee agenda covering discussions with Scottish Government

9.3 Family Friendly Policy

MN informed the Board that the policy presented, forms part of a suite of policies based on those used by Scottish Government.

It was noted that the policy cannot go through the Trade Union bodies for scrutiny until the recognition agreement is in place. Discussions are ongoing and we will provide all policies once the agreement is concluded.

Several amendments were proposed

- The legislation is about to change in relation to entitlements in the face of redundancy. It was recommended that the wording to be changed and the policy signpost to the redundancy policy.
- Linked policies to be included including one around miscarriage.
- To check and to note that there may also be a legislative change later in the year in relation to returning to work after maternity leave.

The Board were content to approve the policy subject to the noted changes and checks. Once complete this policy can be circulated to all members.

Action; MN to amend the policy as discussed and circulate final version to all members.

9.4 Wellbeing framework

The Board agreed this was an excellent document and were content to approve the Wellbeing Framework with no amendments.

9.5 Vexatious Complaints policy

There was a full discussion in relation to this policy and it was recommended that the title and the content around individual behaviours be looked at again. It was further agreed that regular reporting should be undertaken to the Board.

KD proposed that once changes are made this policy is represented to the Board for approval.

Action; ML to amend the policy and circulate to the board for final approval

9.6 Safeguarding policy

ML advised the Board that the Safeguarding Policy covers two main issues, that of meeting our statutory obligations and any concerns which arise in the course of our work. ML added that training will be available to sit alongside the policy.

Additional suggestions included;

- Link to child and adult protection policies
- Clarify that the person who has the information should make the record and this can be delegated to the Panel Chair or Panel Support Co-ordinator
- Add a section on personal responsibility
- The policy is a strategic statement but also required is some work around Recognition.

Action; ML to make the necessary changes and circulate to the Board for final approval.

Agenda Item 10. Any other competent business

None

Agenda Item 11. Review of Meeting and Survivor Voice

KD thanked the management team for the quality of papers presented and for members' diligence in the review of these.

PE noted 4 items on the agenda which are of paramount interest to survivors,

- Within the CE report reference was made to communications evaluation being undertaken by survivors.
- Positive response of survivors to Annual Report.
- The recruitment of the new panel members will increase capacity and aid processing time.
- Following the budget constraint there is a requirement to look again at the KPI and provide a more realistic timeframe for survivors.

The next meeting of the Oversight Board will be on the 25th March and will include a morning session on strategy with a focus on capturing survivor voice. Audit, Risk and Assurance Committee will join the strategy section. The meeting will be held in person in Edinburgh with a Teams link for those who cannot get to Edinburgh.

KD asked the Senior Management Team, with the exception of MN, to leave at this point.