

**Disclosure Scotland
DS Board
Wednesday 29 January 2020
10:00 to 13:00
MINUTES**

Present: Lorna Gibbs (Chief Executive, Chair)
Alan Eastwood (Director of Corporate Services)
Gerard Hart (Director of Policy and Protection Unit)
Laura McCluskey (Director of Disclosure Services, Customer Engagement and Communications)
Neill Kemp (Service Owner)
Stuart Smith (Non-Executive Board Member)
Douglas Hutchens (Non-Executive Board Member)
Christopher Wroath (Non-Executive Board Member)
Keith Rosser (Non-Executive Board Member)

Attending: [redacted] (Senior Communications Manager)

Apologies: Kavita Chetty (Non-Executive Board Member)

Observers: [redacted] (Disclosure Services Officer – Modern apprentice)
[redacted] (Policy Support Assistant)

Secretariat: [redacted] (Senior Governance Manager)

Welcome and Introductions

1. The Chief Executive welcomed everyone to the meeting and introductions were made.

Declaration of Interests

2. None.

Previous Minutes and Actions 24 October 2019

3. The minutes were agreed as an accurate, true reflection of the meeting. It was agreed that all actions, apart from the following could be closed:

- **Action/05/Sep** – Bill Team finance costings, project plan and dates to report to the board;
- **Action/04/Oct:** Deep dive on Future of DS and communications to staff;
- **Action/04/Dec:** Director of Protection Unit and Policy organise Scott-Moncrieff risk appetite session for February 2020 (now to be postponed until the new Chief Executive is in place); and
- **Action/07/Dec:** Senior Governance Manager provide a practical example to the Board of the Performance Framework.

Chief Executive Update

- Disclosure Bill – Thank you and congratulations were expressed for passing stage 1 of the Bill on 26 January 2020. The team did a fantastic job and nothing was raised during the debate that the team hadn't thought of and brief on. GH commented MSP are now taking time to consider complexities and how Police information is delivered in future. Government amendments for stage 2 are being finalised. DH asked if the challenges have been as expected. GH commented that the policy team started early on the consultation work and the CET made our customers understand what we were trying to do which meant that the challenges had to a large extent been minimised and those that did arise were foreseen. Thanks were expressed to the CET for their assistance.
- Observers – SS recommended Disclosure Scotland's ARC and Board to Education Scotland's Non-Executives and suggested they are invited to observe. The Senior Governance Manager is organising dates with the Chair of the ARC from Education Scotland;
- Climate Change Conference – the conference is on for 2 weeks in November. The security around the event will be significant and this could pose a challenge to people's travel to work and their ability to access the building. Work is being done to better understand the impact so that plans can be put in place. This should be added to the risk register and monitored. It was agreed the ARC meeting should be re-scheduled during this time;

Action/01/Jan – Chair of DS Corporate Risk Group add risk for Climate Change Conference and monitor.

Action/02/Jan – Senior Governance Manager re-schedule ARC for November.

- The CE, after 3 ½ years will be leaving Disclosure Scotland. The post has been advertised and hoping a new CE will be appointed by April 2020. The current CE will keep the s.22 until after the PAPLSC. It was decided not to appoint an interim CE however, GH will be the accountable officer and receive a formal delegation letter from the Permanent Secretary. The CE thanked Board members for their support and commitment during her time in post and wished them well for the future

Horizon Scanning

4. SS noted the UK budget will have a major impact on the SG budget.
5. SS recommended the Scott-Moncrieff conference for Non-Executives; outlining roles, responsibilities and governance. The Glasgow conference will be on 2 April 2020 and Edinburgh October 2020.
6. The CE noted that she is commissioning additional training on agile for new Board members. The content and dates will be sent round once they have been agreed. This should also be a formal part of the induction including the new CE.

Action/03/Jan – Distribute content and date for agile training to Board members once agreed.

Finance Update

7. The Director of Corporate Services provided an update on the following:
 - the Spring Budget Revision (SBR) for 2019/20 will be laid before Parliament on 06/02/20. The 2020/21 Scottish Budget will also be published on 06/02/20. After the SBR has been agreed in Parliament, DS will have a full budget in line with need for 2019/20;
 - the UK Government have decided against a full three year Spending Review, this will be a one year budget; and
 - from the beginning of the Financial Year, all parties have been aware of the financial pressures that DS has faced and have worked together over the course of the year to address the funding gaps.

Action/04/Jan - Director of Corporate Services send round note on Budget settlement.

8. LM noted the recovery plan for SLA's has continued into BAU and we are now in a position that when staff leave we do not need to replace them, as a result have 25 less full time equivalents.
9. AE commented that DS, through Director oversight and proactive monitoring by all Budget Holders, will ensure that we do not breach our agreed SBR estimates for 2019/20.
10. DH prompted a conversation around Basic Disclosures and forecasting with levels being higher than expected. GH stated he had discussions with DBS on the levels of applications received from postcodes outwith Scotland during the annual visit. LM confirmed she will discuss with DBS again in March, which will allow us to have a more sensible picture. AE confirmed decrease has been included in the

forecasting for next year. The CE asked for an annex with variations of income not just expenditure.

Action/05/Jan – Annex with variations to include income in finance update.

Spending Review and Future funding arrangements

11. The Director of Corporate Services provided an update on the following:

- DS has identified its funding requirements for Resource (cash) over Spending Review (SR) 19 period which covers Financial Years (FY) 20/21 to 23/24. DS has also identified its Capital need for 20/21 only. These have both been notified to the Centre; and
- the funding requirements are underpinned by a number of key assumptions. The validity of these assumptions will determine whether we will achieve our objective of being self-funding by FY 22/23. The key assumptions are:
 - securing an appropriate level of capital investment over the full SR 19 period to undertake systems enhancements and deliver digital transformation
 - meeting the level of staff reductions in line with both digital and business transformation

12. The Board then explored the assumptions in more detail. KR asked how prioritisation will take place and asked if there is high confidence that the assumptions and best cases will be realised. AE commented confidence is high and the LT and CDAP will ensure the capital funding is used in the right way. The CE stated confidence in securing the required levels of capital funding is only high for the first year, we have to show efficiencies value for money to convince the centre that we should continue to receive capital funding in the future.

13. SS highlighted a number of income variables that have to be taken into account. SS also commented he was not clear on financial reporting and how was responsible for this. The CE confirmed AE will report programme costs and spending to the Board and NK is responsible for the transformation budget.

14. DH commented the thinking and process is right and the questions give sufficient assurance but he would like to hear more on how it works and how it will look for the future, understanding the picture but also the confidence levels.

15. The CE noted and agreed to further develop the paper to include agile budgeting, targets and demonstrating efficiencies for workarounds and continuous improvement.

Action/06/Jan - Lorna, Neill and Alan to meet and develop spending review and funding arrangements including confidence levels.

Transformation Update – Road Map

16. The Service Owner provided an update on the following:

- the purpose of the Road Map is to ensure that the introduction of change into Disclosure Scotland is done in a controlled and structured fashion. The high-level approach to the Road Map has been approved by the Change Delivery Advisory Panel (CDAP) and is assessed against 7 priorities, which were established by the LT; and
- the Road Map provides a view of delivery across a 6-9 month horizon. The current quarter (now to the end of March, Q4) has been planned in detail and this scope is now fixed. AE asked if we were on track to deliver. NK confirmed we are at the end of the second sprint and he is confident it will be completed by the deadline.

17. CW commented that he was impressed by the work of NK's team and the assurance of the Road Map is robust and clear.

18. NK highlighted 2 risks which have been added to the risk register. NK is confident that his team can fix issues arising and this has already been the case with any issues arising.

19. SS highlighted the resources issue, which was mentioned by the AG at PAMPLSC. We are not recruiting and losing good resource to others. It was suggested the Board should re-read the report from Audit Scotland on the 'Principles for a Digital Future'.

Action/07/Jan – Service Owner to distribute a copy of the Audit Scotland report on 'Principles for a Digital Future'.

Review lessons from Section 22 report

20. The Chief Executive provided an update on the following:

- the main focus for the Board is to talk about report and consider what can we learn and do differently. DS need to look at the areas where AS suggested we do things better;
- there are a number of areas where changes are planned:
 - implementation of the Disclosure Bill;
 - Transformation Governance;
 - financial reporting and oversight;
 - optimism bias;
 - experience of agile methodology; and
 - contingency planning.

21. The CE noted that the recommendations focused on governance issues and did not assess whether DS could have taken actions to be off BT quicker or at less cost.
22. SS stated his reassurance with the CDAP remit however, the financial reporting should be given its own bullet point. DH agreed this should be more transparent.

Action/08/Jan – CE to update the CDAP Governance chart to reflect financial reporting.

23. The CE asked the Board to consider if the actions from the s. 22 report are tracked at ARC meetings, with updates to the Board as required from the Chair. It was agreed the s. 22 paper with cover note should be presented at the ARC on the 26 February to consider.

People Survey

24. The Head of Organisational Development and Change provided an update on the following:
 - the overall response rate for completion was 80%, with an overall 'engagement index' score of 57%;
 - the areas with less positive results were Learning and Development and Leadership and Managing Change. More positive results were shown in Inclusion and Fair Treatment; and
 - local meetings will take place with the Head of Organisational Development & Change, Directors and their Performance Team members. The purpose of the meetings is to discuss local results and provide support to turn the results into action.
25. The CE mentioned there is a current Culture in Leadership audit being carried out which will enable us to obtain a more in depth analysis to assist with action planning.
26. CW commented on the number of staff selecting 'prefer not to say' for the bullying and harassment, this could be a signal that basic line management skills were lacking. The CE stated training for managers has already started. CW suggested talking about the figures and making it a useful training tool.
27. The CE stated we are liaising with core SG as this is a concern not just for DS, PCS are also doing a study on bullying and harassment and Let's Keep Talking is proving management with valuable intelligence. CH stated we have an Early Contact Team trial for staff which has a robust evaluation. CH noted we can also use our staff suggestion scheme for mood sense trends.

Protection Unit – Caseworker Manual Review

28. The Head of Protection Services provided an update on the following:

- the current PU Caseworker Manual was written ahead of the Protection of Vulnerable Groups (Scotland) Act 2007 ('the 2007 Act') being implemented. It was agreed in 2018 that a full review was necessary to consider improvements to the manual based on the knowledge we had gained based on 7 years' experience of case-working and to take account of change views as thinking has evolved both within DS and more widely;
- the purpose of the manual has not changed. Making a decision to list someone because they are unsuitable to work with children or protected adults is a serious issue. Incorrect decisions – listing or not listing - may have far-reaching and devastating consequences. The manual is part of the process of minimising this risk; and
- the Board was invited to discuss and provide observations and comment on the reviewed PU Caseworker Manual.

29. DH commented that it is clear it is a robust process and he is impressed with the manual.

30. LM commented the manual balances risk very well and what the consequences are, showing the ability and skill of staff. Having the manual provides more assurance to the LT and Board around listing decision making.

31. The CE commented that it would be useful to get the view of KC, from her human rights background.

Action/09/Jan – PU caseworker manual distributed to KC for feedback.

32. The Board shared thanks and well done to staff involved in the review of the manual.

ECJ Collaborative (Improvement across Education, Communities and Justice

33. [Redacted],(Quality and Implementation Manager), gave a presentation on the work that had been done as part of the ECJ Collaborative project. This involved a team from Disclosure Services building their Continuous Improvement (CI) capacity and capabilities by employing a range of CI tools to pilot improvements to our helpline service. The Board noted the improvements and thanked all involved for their hard work.

34. The Director of Disclosure Services, Customer Engagement and Communications provided an update on the following:

- Disclosure Services was keen to build on the work done as part of the Collaborative; and

- it is proposed we establish a Service Improvement Group (SIG). The Service Improvement Group aims to harness expertise and identify improvement initiatives, creating a consistent CI culture in Disclosure Scotland which is structured and measurable.
35. KR commented it is important to engage staff at all levels. LM confirmed the members will be from different levels in the organisation, it is about process not grade and all will be empowered to contribute.
36. CW noted from the start there should be very overt statements on empowerment and we should be cautious of referring to 'pilots' as this suggests that changes are temporary.
37. SS shared his support and asked who would be the chair. LM confirmed she would take on the role of Chair initially then it will be reviewed.
38. The Board were supportive of the group and agreed a 1 page highlight report be presented to the Board quarterly.

Action/10/Jan – Service Improvement Group quarterly update added to the Board calendar of business.

AOB

39. DH, on behalf of the Board, thanked the CE for her support and dedication during her time at DS.

Next Meeting Tuesday 10 March 2020.

Actions	Responsible	Due by	Status
Action/05/Sep – Bill Team finance costings, project plan and dates to report to the board.	Director of Protection Services and Policy	March 2020	<p>17/10: Board to confirm how this information should be presented (verbal or paper) and timeframe.</p> <p>24/10: More detailed paper to the board next year. If after stage 1 to January meeting if not the next scheduled meeting. Should include digital clarity, costings and resource. Also detailing the implications of the legislation of the bill, ACR etc.</p> <p>10/12: Paper to March Board Meeting.</p>
Action/04/Oct: Deep dive on Future of DS and communications to staff.		May 2020	
Action/01/Dec: Service Owner to investigate Amazon data breach and provide assurance.	Service Owner	ASAP	29/01/20: No evidence of data breach on amazon. No impact on us. Security looked at logs etc. and nothing about data breach. No concern. Action Closed.
Action/02/Dec: Director of Corporate Services to present paper on finance models	Director of Corporate Services	Board on 29 January 2020	29/01/20: On agenda. Action closed.
Action/03/Dec: Senior Governance Manager to arrange overview of Disclosure (Scotland) Bill for new Non-Executives as part of their induction.	Senior Governance Manager		29/01/20: Complete. Action Closed.

Action/04/Dec: Director of Protection Unit and Policy organise Scott-Moncrieff risk appetite session for February 2020.	Director of Protection Services and Policy	February 2020	10/12: Senior Governance Manager to timetable extraordinary meeting for February 2020. 29/01/20: Postponed until new CE has been appointed.
Action/05/Dec: Service Owner to provide road map with one option of Bill implementation in 2022 and one option of implementation in 2023.	Service Owner	Board on 29 January 2020	29/01/20: On Agenda. Action Closed.
Action/06/Dec: Service Owner to check if 'cloud' can re-create itself infinitely.	Service Owner	ASAP	29/01/20: NK noted it depends on software. The database we have can only work on 1 set of racks and we can only scale vertically. Which means there is a limit but this is very high. Action Closed.
Action/07/Dec: Senior Governance Manager provide a practical example to the Board of the Performance Framework.	Senior Governance Manager	Board on 10 March 2020	Next Board
Action/01/Jan – Chair of DS Corporate Risk Group add risk for Climate Change Conference and monitor	Chair of Corporate Risk Review Group	ASAP	

Action/02/Jan – Senior Governance Manager re-schedule ARC for November	Senior Governance Manager	ASAP	
Action/03/Jan – Distribute content and date for agile training to Board members	Senior Governance Manager	ASAP	
Action/04/Jan - Director of Corporate Services send round note on Budget settlement	Director of Corporate Services	ASAP	
Action/05/Jan – Annex with variations to include income in finance update	Director of Corporate Services		
Action/06/Jan - Lorna, Neill and Alan to meet and develop spending review and funding arrangements including confidence levels	Director of Corporate Services		

Action/07/Jan – Service Owner to distribute a copy of the Audit Scotland report on ‘Principles for a Digital Future’.	Service Owner	ASAP	03/02/20: Senior Governance Manager distributed principles by email to Board members.
Action/08/Jan – CE to update the CDAP Governance chart to reflect financial reporting	CE	ASAP	12/02/20: Governance chart updated.
Action/09/Jan – PU caseworker manual distributed to KC for feedback	Senior Governance Manager	ASAP	12/02/20: Manual distributed to KC for feedback.
Action/10/Jan – Service Improvement Group quarterly update added to the Board calendar of business	Senior Governance Manager	ASAP	12/02/20: Added to calendar of business

