

**Disclosure Scotland
DS Board
Tuesday 10 March 2020
10:00 to 13:00
MINUTES**

Present: Gerard Hart (Director of Policy and Protection Unit, Accountable Officer, Chair)
Alan Eastwood (Director of Corporate Services)
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)
Kavita Chetty (Non-Executive Board Member)

Attending: [redacted] (Senior Communications Manager)

Apologies: None

Secretariat: [redacted] (Senior Governance Manager)

Welcome and Introductions

1. The Accountable Officer welcomed everyone to the meeting and introductions were made.

Declaration of Interests

2. None.

Previous Minutes and Actions 29 January 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/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; and

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

Accountable Officer Update

4. The Accountable Officer provided an update on the following:

- there is a recovery plan in place for fees which hadn't been claimed. Lessons have been learned and mitigations put in place;
- a matter came to light on 2 March with regards to the prioritisation of the building of a data report that scrutinises PVG membership in PASS. The production of this report was prioritised and will now be run daily. To date there have been no positive matches. DH suggested the Audit and Risk Committee (ARC) delve deeper into some of the issues around PASS architecture.

Action/01/Mar: Director of Disclosure Services develop a paper mapping out compliance pre and post PASS for the ARC.

- there is likely to be a serious outbreak of coronavirus (COVID-19). We are currently at the contain stage but moving towards the delay stage. [redacted] will temporarily be promoted to develop a tactical response, in line with SG guidance, for coronavirus and the Climate Change Conference (COP26). KR noted the Disclosure and Barring Service (DBS) are putting out communications to stakeholders around this. LM will liaise with DBS to ensure a consistent communications theme. SS noted his content that we have a dedicated resource for this.
- financial reporting to the ARC requires to be enhanced going forward, ensuring we are delivering on their requirements. A strategic assurance piece will be developed detailing current position, actions to ensure there is no conducive or threat to self-funding and a confidence level assessment established for each action identified. A paper will be devised by the Director of Protection Unit and Policy and the Director of Corporate Services. DH noted the paper should be presented to the Board for further assurance.

Action/02/Mar: Senior Governance Manager add Strategic finance paper to Board calendar of events.

Horizon Scanning

5. SS highlighted risks around coronavirus and COP26, discussed above.

Risk Register Update

6. The Chair of the Corporate Risk Review Group (CRRG) noted coronavirus and COP26 are a major part of the Corporate Risk Register (CRR).

7. The service owner commented on the sustainability of PASS, noting the performance is degrading over time. SS asked if sustainability risk 2 should show trend up rather than down. GH confirmed the initial threat is down. The risk has reduced as it is being managed but still has a red status. DH shared his concern around the trend going down and the register not showing the significance of this. DH highlighted the risk register updates need to be more specific and strategic to ensure a clear picture for Board scrutiny. Keith noted same for strategic risk 2.

Action/03/Mar: Senior Governance Manager add review of Risk Register and updates to CRRG agenda.

Feedback from the ARC

8. The Chair of the ARC commented that Internal Audit (IA) and External Audit (EA) will liaise on their programme of audits for the coming year. SS commented IA and EA have to co-ordinate fully, particularly around the section 22. GH highlighted that a clear auditable documentation trail is essential. LM, as the Senior Information Risk Owner (SIRO), stated she has commissioned a piece of work around corporate information.

Feedback from Change Delivery Advisory Panel (CDAP) and PASS Architecture

9. The Chair of CDAP provided an update on the following:
 - key discussion at the Panel centred around the 'Performance issue' for the PASS platform. Although the right decision was taken to exit the BT platform, the [REDACTED] core platform is fundamentally an issue and DS are starting to see the symptoms of this now. It is increasing at a rate that is putting significant strain on the platform's ability to process sooner and with greater impact than expected; and
 - the question was posed on the difficulty and risk of re-architecting the platform to remove the [REDACTED] component. The delivery team confirmed that knowledge and capability of how to remove it safely was available in the team, some outline thinking had already gone into an approach and pathway. CW noted he was impressed with the detail and diligence of the team.
10. DH asked why the Board were not made aware of this. NK noted it was only discovered when we went live, the decision was taken without the knowledge of potential re-architecture so soon. CW commented there are no previous lessons learned as this has not been done before and the support community for assistance could be improved. NK noted the impact of the whole decision; the package is positive however, building on it is insufficient. CW highlighted that the team understand what needs to be done and know how to do it however, there are key individuals that we need to retain. NK is currently looking into resourcing and retention of key individuals.

11. SS commented we need to record resources previously assumed, resources [REDACTED] has diverted from manual workarounds and the impact on the budget. This will show the system is more of an investment.
12. GH commented we need to think about how we deliver services in line with what we aspire to in the future and principles should emerge. Delivering PVG join service will eliminate workarounds. AE noted the capital budget is fixed and DS needs to ensure that it does not breach the limit set by the SG.
13. CW recommended to the Board that the PASS delivery team be given leave to undertake an assessment to address the specific question of how to re-architect the PASS platform to remove the [REDACTED] component, safely, and with minimum disruption to DS business. Central will be the resource implications and the effect on the timetables for the DS Change Roadmap and the risks associated. This work will be tasked with identifying a roadmap to a long term, sustainable solution.

Action/04/Mar: Service Owner and chair of CDAP present Board paper on PASS re-architecture.

14. SS noted a final point of having the CDAP minutes and paper extremely informative and enabled enriched understanding.

Finance update – Budget 2020/21

15. The Director of Corporate Services provided an update on the following:
 - the overall budget bid presented to SG was agreed by Chief Executive, after discussions between the Executive Directors, and allocations to individual Budget Holders will be finalised over this month;
 - all budget lines have been agreed with SG and included in the Scottish Budget;
 - Scottish budget should be confirmed by mid-March 20; and
 - close monitoring of demand (income) and emerging commitments (cost) will take place with on-going oversight by Leadership Team to ensure that DS works in an agile way but contains actual expenditure within agreed budgets for 2020/21.
16. DH asked for clarity around what percentage of finance will come from England and suggested more narrative around income to show clear picture.

Action/05/Mar: Director of Corporate Services ensure more descriptive around income.
17. KC asked about application projections around coronavirus. LM noted there will be an expected decline in applications. DS will need to be careful when forecasting, using a fluid approach.

Financial Position 2019/20

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

- the financial position across the SG has been challenging for both Resource (cash) and Capital expenditure lines during 2019/20;
- DS has worked with SG officials over the course of the year in order to secure all required additional funding at SBR to address both Resource and Capital pressures for 2019/20;
- 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; and
- there will be further reductions in resource budget as a result of general staff turnover.

19. SS asked if DS come in under budget will SG carry this forward. AE will confirm.

Annual Report and Accounts (ARA) Timeline

20. The Director of Corporate Services presented the timeline showing activities and dates. The Auditor sign off will be in September and the DS ARA will be laid in parliament before the end of December 2020. A draft will be provided to the Board and the ARC for review and comment. The Board endorsed the timeline.

Draft Business Plan 2020/21

21. The Director of Corporate Services presented the draft Business Plan for 2020/21 showing the objectives, outcomes and measures proposed, then invited feedback. SS noted it would be useful to show bullets of how it has changed from last year for comparison purposes. KC observed some areas of disconnect; Policy and the Bill should connect to the policy intention and objectives, corporate responsibilities are slightly under ambitious and should be broader reflecting the organisation and the Board need to understand how the objectives are being measured.

22. The Board agreed that the measures need improved, showing a proactive approach and how we use IA and EA. DH noted it was a bit step forward, well done.

Action/06/Mar: Senior Governance Manager revise Business Plan 20/21.

Disclosure (Scotland) Bill

23. The Director of Protection Services provided an update on the following:

- on 16 January, Parliament passed a motion supporting the general principles of the Bill, which was a major milestone for us. The Bill team

have addressed the recommendations from the Committee, updated a number of minor and technical amendments and clarified some of the provisions, and bring the Bill into line with legislation that's received Royal Assent since it was introduced;

- the Stage 2 debate will be on 11 March 2020. As well as being an opportunity for the Government to propose changes to the Bill in light of Stage 1 scrutiny, Stage 2 can also see non-government amendments proposed to the Bill; and
- a question has been raised regarding MSPs becoming members of the PVG scheme. There are legal concerns around this and a moral framework.

24. KC asked about an independent mechanism for MSPs. GH confirmed we would have to legislate for this.

Performance Framework

25. The Director of Corporate services presented the Performance Framework and guided the Board through a practical example of how it is used by the Performance Team. The Board was invited to review and discuss the process and provide feedback.

26. LM noted satisfaction with the framework but it will rely on how we feed in to it. SS highlighted the use of Lean methodology and the implications for the Target Operating Model (TOM). GH confirmed this will be look at again when the new CE is appointed.

27. The Board confirmed they are satisfied with this approach.

AOB

28. GH initiated discussions around the Corporate Risk Review process and how to incorporate input from the CDAP while still ensuring the ethos of the CDAP not being a programme board. The discussion centred on CDAP having sight of transformation risks with discussion before it is escalated to CRRG. CW confirmed there will be a formal point at each meeting to review risk, ensuring the AO feels content that it has been through proper assurance of appraisal.

29. Agreement was made that the CDAP needs to be dynamic and in real time with reporting lines being that of CDAP review risk with option to moderate/change, added to CRR (if necessary), then presented to the Board for assessment.

Next Meeting Monday 20 April 2020.

| Actions | Responsible | Due by | Status |
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| Action/04/Oct: Deep dive on Future of DS and communications to staff. | | May 2020 | <p>10/03/20: Added to April away day agenda.</p> <p>23/06/20: April away day cancelled due to coronavirus. Deep dive postponed.</p> |
| Action/04/Dec: Director of Protection Unit and Policy organise Scott-Moncrieff risk appetite session for February 2020. | Director of Operations and Customer Engagement. | February 2020 | <p>10/12/19: Senior Governance Manager to timetable extraordinary meeting for February 2020.</p> <p>29/01/20: Postponed until new CE has been appointed.</p> <p>10/03/20: No further update.</p> <p>23/06/20: Risk session will be organised for end of July.</p> |
| Action/03/Jan – Distribute content and date for agile training to Board members | Senior Governance Manager | July 2020 | <p>10/03/20: Ongoing. Christopher and Joy have offered to delivery training. They will work on this with the AO on this.</p> <p>23/06/20: Christopher and Gerard arrange discussion around delivery of agile training.</p> |
| Action/01/Mar: Director of Disclosure Services develop a paper mapping out compliance pre and post PASS for the ARC. | Director of Disclosure Services | September Board Meeting | <p>23/06/20: Paper will be presented at the September Board Meeting.</p> |
| Action/02/Mar: Senior Governance Manager add Strategic finance paper to Board calendar of events. | Senior Governance Manager | ASAP | <p>22/06/20: Added to Calendar of events for September.</p> <p>23/06/20: Paper will be distributed shortly for Board sight and comment.</p> <p>Action closed.</p> |

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| <p>Action/03/Mar: Senior Governance Manager add review of Risk Register and updates to CRRG agenda.</p> | <p>Senior Governance Manager</p> | <p>ASAP</p> | <p>22/06/2020: Alan Eastwood working on this.</p> <p>23/06/20: Risk session will be organised for end of July by Laura.</p> <p>Action Closed (link to Action/04/Dec)</p> |
| <p>Action/04/Mar: Service Owner and chair of CDAP present Board paper on PASS re-architecture.</p> | <p>Service Owner and chair of CDAP</p> | <p>Board on 20 April</p> | <p>23/06/20: Currently on hold to focus on coronavirus response. Will be covered as part of future road map. Work underway on technical strategy which will be brought to the Board.</p> |
| <p>Action/05/Mar: Director of Corporate Services ensure more descriptive around income</p> | <p>Director of Corporate Services</p> | <p>ASAP</p> | <p>23/06/20: Strategic finance paper will be distributed shortly for Board sight and comment.</p> <p>Action Closed.</p> |
| <p>Action/06/Mar: Senior Governance Manager revise Business Plan 20/21.</p> | <p>Senior Governance Manager</p> | <p>July 2020</p> | <p>12/06/2020: Meeting arranged with LT to review on 8 July 2020.</p> |

