Disclosure Scotland
DS Board – Skype Call
Tuesday 27 October 2020
10:00 to 13:00
MINUTES

Present:	Gerard Hart (Interim Chief Executive, Chair)
	Alan Eastwood (Director of Corporate Services)
	Neill Kemp (Director of Digital and Service Owner)
	Lynne McMinn (Director of Policy and Communications)
	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)
	Laura Mccluskey (Director of Disclosure Services, Customer Engagement and Business Continuity)
Attending:	Michael Chalmers (Director of Children and Families)
	[redacted] (Senior Communications Manager)
Observers:	[redacted] (Scottish Government, Internal Audit)
	[redacted] (Scottish Government, Internal Audit)
	[redacted] (Communications Team)
	[redacted] (Communications Team)
Apologies:	None
Secretariat:	Fiona Price (Senior Governance Manager)

Welcome and Introductions

1. The Interim Chief Executive (CE) welcomed everyone to the meeting and introductions were made.

Declaration of Interests

2. None.

Previous Actions

3. 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/Jun:** Director of Operations and Business Continuity present paper on what DS Customer Service will look like in future; and
- **Action/05/Jun:** Chair of CDAP open conversation with Police Scotland CDAP member around DS only having access to Police system access through accredited sites;
- **Action/04/Sep:** Senior Governance Manager develop appraisal process for NXBM.

Chief Executive Update

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

- we are presently within our Service Level Agreement (SLA), however there is potential for this to be exceeded for a temporary period due to a number of contributing factors (this does not include priority Covid applications). Targeted communications are being published and a triage team has been established for effective intervention of delayed applications. This is also our peak period and to allow a more effective mapping of workflow our prediction of sector requirements must improve;

  Action/01/Oct: Director of Operations and Business Continuity to review process for predicting sector requirements, to allow effective mapping of workflow.

- the PASS system is experiencing performance issues which is limiting our ability to increase throughput. The strategy to address these is an immediate priority;
- good progress is being made on the agile governance arrangements;
- PVG online private Beta is progressing well with a number of stakeholders providing positive feedback. There are still some milestones to achieve before progressively moving into public Beta;
- engagement with staff is continuing with over 200 staff dialling into the 'Let's Keep Connected' calls. The people support Hub is well used by staff and we have an external company looking at future space requirements to make sure the office is a safe and pleasant environment for staff and fit for purpose over the longer-term.

5. MC queried if it is possible to quantify the impact of Covid on staffing and the contribution to performance. It was noted that while this has had an impact it is minor and there have been a collection of issues including the performance of the system. To ensure we are open and transparent our stakeholder communications acknowledge these issues.

6. The Board encouraged open and transparent stakeholder communications.

   Action/02/Oct: Director of Operations and Business Continuity to analyse and quantify the impact of Covid on performance.

Horizon Scanning

7. None

Feedback from the Audit and Risk Committee (ARC)

8. The chair of the ARC provided a brief update, in line with the minutes presented:

   - this was a single item meeting for the Annual Report and Accounts (ARA) and the audit report provided by External Auditor. Disclosure Scotland (DS) received an unqualified accounts assessment and no matters of exception, with External Audit reporting no material weaknesses and no recommendations. The ARA was deemed to be of high quality and the Board thanked all involved. It was noted the report could be refined and reduced in size for next year where guidance permits.

   - External Audit also reported positive progression with reference to the section 22 recommendations.

9. GH noted his content with how we have moved to a more agile approach towards the work undertaken by both internal and external audit.

   Governance Structure Update

10. The Chief Executive provided a brief recap, in line with the proposed governance structure on the following:

    - DS faces an unprecedented level of change over the next five years. The model of Governance Forums and Change 'Hurricanes' proposed is the preferred way forward to promote an agile approach to Corporate Governance. It was designed after careful reflection and thought on the lessons to be learnt from the section 22 Public Audit and Post-Legislative Scrutiny (PAPLS) Committee appearance in March 2020;

    - agile is the right approach for this because it is the most sensitive and responsive way to ensure that we can develop functionality. Our aim is to produce an environment that will bring the right people together, allow innovation and ensure change can happen iteratively;

    - the Non-Executives, through their leadership of Governance Forums, will be much more informed about DS, improving their ability to scrutinise and provide strategic advice and challenge to the organisation;

    - the fundamental focus has previously been on income, this will change and move towards cost base and achieving efficiency savings; and

- contact has been made with Scottish Government Corporate Communications to work with our Communications team on the branding project. An additional 2 members of staff have moved into the Communications team to assist.

11. DH noted his concern around the Non-Executive Directors slipping into Executive territory. To address this, the approach and proposed governance structure allows the Non-Executives to gain a better understanding of the inner workings of DS to provide required challenge and support.

12. MC showed his support and content with the proactive approach being taken by DS.

Feedback from Governance Forums

Change Delivery Advisory Panel (CDAP)

13. The Chair of CDAP provided the following update, in line with the minutes presented:

- the main topic of conversation was around incidents and satisfaction with actions from the digital team, most which were around technical debt;

- the panel now have the evidence, which will allow for recommendations on how to progress. The technical paper developed has been independently reviewed. Amazon Web Service (AWS) experts confirmed the proposed approach is robust. The paper is currently in circulation with CDAP and the Chair will provide a summary paper to the Board;

   Action/03/Oct: Chair of CDAP to provide summary of technical paper to the Board.

- the most impactful outcome from the paper was the high cost of cloud storage due to the platform structure and how data is stored within the cloud. The Director of Digital and Service Owner and the system architect are investigating how to address in order to repurpose the money saved.

14. The Board agreed to cover agenda item 11 as relates to CDAP update.

Digital Update

15. The Director of Digital and Service Owner provided an update on the following:

- the private Beta for PVG Online was launched on 22 Sep 2020. This is progressing well and we are receiving positive feedback. The application numbers have been kept small. This is so we can maximise learning and put in place improvements from customer feedback required to introduce and

sustain a public Beta. We have expanded the service to an additional 2 organisations and discussions have begun to progressively on-board others;

- work has re-commenced on the development of the Management of Offenders and Age of Criminal Responsibility Acts, which is progressing well. We are on course to deliver the Minimum Viable Product (MVP) by the scheduled go live of 30 November;

- service performance has degraded with a number of errors being reported by our ITSM team on a daily basis. A team has been set up address this complex issue. Removing non-essential data is being investigated to reduce the strain on the service;

- on the 28th October, the CDAP will discuss the scoping exercise that identified the actions Disclosure Scotland require to take to reduce Technical Debt. The work is a viewed as an important element towards the future delivery of the Disclosure Act;

- the team are recruiting a Technical Lead and Information Technology Service Management (ITSM), Security and Platform Lead. A further 4 Codeclan graduates have been recruited which will allow DS to develop an in house skilled team. A DS skills survey has had promising results identifying a range of current employees that could be utilised by the Digital and Service Delivery Team;

- the Covid Response led to the prioritisation of work on an online version of an application for new and existing PVG members. This will bring significant efficiencies to operational processes in the organisation and go some way to addressing the functional debt carried over from BT Exit;

- the revised Service Roadmap will recommence in October 2020 after the launch of the Private Beta for the online PVG. This sets out a number of priorities over and above the operate and maintain activities required to sustain the current safeguarding for the platform;

- all of these activities are vital enablers for the delivery of the Disclosure Act and although the Act has no fixed live date as of yet, it is still expected during 2022. The work to establish the scope and timeline for the Act is still being addressed and will be discussed and challenged at the CDAP. Based on the content of the Act, the expectation was that this would necessitate the delivery of a minimum viable product or service, where compromises will be required by DS and potentially its customers and stakeholders;

- recent performance of the service is causing considerable concern, as there has been a marked deterioration. To tackle the immediacy of this issue the digital team has diverted available Dev Ops resource to take action to return the service to a normal working position;

- since handover from the supplier, Disclosure Scotland has taken control of the day-to-day running and operation of the large AWS Cloud implementation.

However, due to the lack of automation and the design of the platform it relies heavily on manual tasks to support functional releases, maintenance and data loads, which in turn places a significant out of hours commitment on the digital team to minimise operational disruption to business operations;

- the DS Architectural team have outlined a plan that would move to a cloud native implementation that can be repeatedly deployed with confidence and guarantees around reflecting the Production infrastructure. This approach would reduce cost and complexity of the Platform, and therefore make it easier to manage and extend. The plan will broadly follow 3 phases and 25 steps.

16. KC raised a question around the longer term, what the Act MVP will look like and what compromises will have to be made. NK confirmed the MVP is the minimum required for DS to deliver the Act, this will still maintain the intention of the Act. The Act Product and Design lead is currently drafting a paper on the MVP which will be discussed in detail at CDAP with feedback being fed into the Governance Forums and 'Hurricanes'.

17. The Board agreed on clear regular reporting on progress, what the issues are and how we address them. The Governance Forums and 'Hurricanes' will work closely on this. MC noted DS must sight ministers and SG finance with the amount of potential costs. AE noted the revised capital bid and DS focus on efficiency savings and repurposing this.

18. The Chair of CDAP noted there is a clear and credible plan and the role of CDAP is to translate the technical work into digestible form for the Board.

Legislation Implementation Advisory Panel (LIAP)

19. The chair of LIAP provided an update on the following:

- an introductory meeting was held on 19 October 2020, which involved a high level status overview of the Act;

- the panel has greater clarity of purpose, which resulted in a reworked Terms of Reference (ToR) which links more closely with the DS objectives; and

- a key point noted was for the panel to have a more granular understanding of the Act projects and their purpose. A session is being arranged for this.

People Change Advisory Panel (PCAP)

20. The chair of the PCAP provided an update on the following:

- discussions took place to outline thoughts around what 'people' means. Initially the panel was established with a focus on internal 'people' however, discussions also included external 'people' and providing an excellent customer service. The question was raised of how we can combine these; and

- the ToR is currently being drafted.

Business Innovation Advisory Panel (BIAP)

21. The chair of the BIAP provided an update on the following:

- useful discussions were had with the Director of Operations and Business Continuity, which resulted in the ToR being reshaped; and

- an introductory meeting will be booked once additional members have been identified.

Strategic Finance Advisory Panel (SFAP)

22. The chair of the SFAP provided an update on the following:

- the panel discussed the ToR and then moved onto members. Additional members have been confirmed with varying experience in procurement, finance, audit and private and public sector.

Mid-Year performance review

23. The Director of Operations and Business Continuity provided an update on:

- for this reporting period (half year to 30/09/20) our SLA has been consistently met. This has not been without challenge and a number of risks, challenges and issues have been identified and appropriately managed to provide the best service possible;

- the Covid service has consistently delivered a priority service to ensure frontline pandemic response roles are safely filled as quickly as possible. We have successfully achieved this, and continue to do so alongside the processing of routine applications;

- the excessive manual data input requirement for higher level product processing has led to increasing pressures when transposed into a virtual space, and this will be reflected in reducing service levels during QTR. 3 and we are working closely with our customers to improve our service levels based on their needs; and

- a recommendation was made for a quarterly service level performance report is instated in the Board regime. The Board endorsed the recommendation.

24. The Board agreed it was beneficial to see high-level performance, highlighting that the success and challenge factors. To enhance the quarterly review it was suggested being clear on what the issues are, the impact and the controlling actions, along with measuring the impact of actions. This was noted and will be included in the next review.

Strategic Finance Update

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

- the SG financial position remains extremely challenging in 20/21. Work continues to reprioritise spend and manage financial pressures. The SG Spring Budget Revision (SBR) will take place in December to do any final budget adjustments;

- Work on the 21/22 Scottish Budget continues despite prevailing uncertainties. The budget will be difficult to balance given negative tax reconciliations, on-going costs for the Covid-19 response and potential impact of Brexit. DS will contribute forecasts and savings options in line with all other public bodies;

- the ARA, previously mentioned, will now be progressed to lay before Parliament by the end of December 2020;

- DS has advised a pressure of £5.6 million to the SG for an expected income shortfall. This is due to the number of applications processed as free for Covid-19 and the depressed demand experienced due to the economic downturn. If the present trend continues over the year, the income shortfall will increase by £1.0 million from that reported; and

- DS advised the SG that some of the lost income would be absorbed with the Leadership Team (LT) taking a proactive approach to identifying efficiencies and realising cost reductions set out in the Strategic Finance Plan

26. It was noted the recent recruitment saw a high number of agency staff being successful. KR suggested checking there are no clauses with their current employer, Pertemps.

27. The Board were content to pursue £1.0 million from the SG if required.

Digital Update

28. Agenda item covered under CDAP update.

Corporate Risk

29. The Director of Operations and Business Continuity provided an update on the following:

- the Corporate Risk Register Group (CRRG) met on the 15th August to review the Covid register and the Corporate Register;

- the Covid register was transferred to the Recovery Group to manage until we meet the threshold of 'recovered' and fully exit business continuity status;

- using themes identified at the CRRG a new register was created and all identified risks reframed;

- this register was presented to the Board and ARC members at the Risk Workshop held on 7th October. It was agreed that the Draft Corporate Risk Register will allow us to effectively manage ongoing risk, during this transitionary period, with a new Risk Strategy and organisation of management activities being developed during quarter 3 aligning with the new Change Governance approach; and

- the Board were asked for feedback on the DS Board Corporate Risk Highlight report which focused on the new draft Corporate Risk Register for this period. The highlight report presents the current transitionary risk profile position as AMBER.

30. The Board agree this is a good approach and it has also been well received by internal and external audit.

AOB

31. None

Next Meeting 8 December 2020

Actions	Responsible	Due by	Status
Action/04/Oct: Deep dive on Future of DS and communications to staff.	CEO	May 2020	**10/03/20**: Added to April away day agenda. **23/06/20**: April away day cancelled due to Covid. Deep dive postponed. **01/09/20**: Postponed. The Future of DS will link in with the Corporate planning which will begin at the end of the year. The Recovery Group are looking into future requirements and smarter working.
Action/04/Mar: Service Owner and chair of CDAP present Board paper on PASS re-architecture.	Service Owner and Chair of CDAP	Board on 20 April	**23/06/20:** Currently on hold to focus on Covid response. Will be covered as part of future road map. Work underway on technical strategy which will be brought to the Board. **01/09/20**: Gerard has commissioned a piece of work from CDAP on the functional nature and how long it will take to remediate. A further commission for Digital Scotland and CDAP to review technical debt and review correct position.
Action/01/Jun: Director of Operations and Business Continuity cross reference checklists from IA against Covid risk register and present outcomes at next Board.	Director of Operations and Business Continuity	Board on 8 September 2020	**18/08/20**: Annual review of risk will take place in October, will take IA checklists in to account when undergoing review. **27/09/20**: Covered at risk workshop. **Action Closed.**
Action/04/Jun: Director of Operations and Business Continuity present paper on what DS Customer Service will look like in future.	Director of Operations and Business Continuity	Board on 8 December 2020	**18/08/20:** Currently in progress will be presented to the Board at the meeting on 8 December 2020.

Action	Owner	Due Date	Update
Action/05/Jun: Chair of CDAP open conversation with Police Scotland CDAP member around DS only having access to Police system access through accredited sites.	Chair of CDAP	28 August 2020	**01/09/20:** awaiting updated from Chair or CDAP. **08/09/20**: Chair of CDAP speaking with Police Scotland member at the end of the week (w/e 11 September). **27/09/20**: Brief discussion took place, more in depth discussion will be had at the CDAP on 28 October.
Action/01/Sep: Chair of CDAP to provide a brief initial response paper to the Board on technical debt break down.	Chair of CDAP	2 October 2020	**27/09/20**: Covered in CDAP and Digital agenda item. **Action Closed.**
Action/04/Sep: Senior Governance Manager develop appraisal process for NXBM.	Senior Governance Manager	30 September 2020	**27/09/20**: On-going
Action/01/Oct: Director of Operations and Business Continuity to review process for predicting sector requirements, to allow effective mapping of workflow.	Director of Operations and Business Continuity	30 December 2020	
Action/02/Oct: Director of Operations and Business Continuity to analyse and quantify the impact of Covid on performance.	Director of Operations and Business Continuity	30 December 2020	

Action/03/Oct: Chair of CDAP to provide summary of technical paper to the Board.	Chair of CDAP	4 December 2020	