

**Disclosure Scotland
DS Board – Skype Call
Tuesday 8 September 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)

Attending: None

Apologies: Laura McCluskey (Director of Disclosure Services, Customer Engagement and Business Continuity)
Lynn Gallagher (Senior Communications Manager)

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. A decision was made by the Interim CE to have the previous minutes endorsed out with committee and published externally within 4 weeks of the meeting to ensure openness and transparency. Moving forward only actions will be reviewed at the meeting.

4. 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/03/Jan –** Distribute content and date for agile training to Board members;
- **Action/04/Mar:** Service Owner and chair of CDAP present Board paper on PASS re-architecture;
- **Action/01/Jun:** Director of Operations and Business Continuity cross reference checklists from IA against Covid risk register and present outcomes at next Board;
- **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.

Chief Executive Update

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

- we are still within our Service Level Agreement (SLA), but our performance has been impacted by incidents out with our control;
- there has been a positive increase in Business As Usual (BAU) applications, with Covid applications decreasing;
- the PASS system is seeing performance issues resulting in frequent manual intervention. The strategy to address these is an immediate priority. CDAP are leading on this piece of work alongside Keith Turnbull from Digital Directorate;
- PVG online is built and will be deployed into production in a substantial release. The release will contribute to the stabilisation of PASS and progress PVG online into private beta. Once running as a public service it will drive efficiencies and cost savings;
- there have been 3 significant service interruptions in the last week which were handled competently by NK's team. Lessons have been identified and noted for future;
- the facilities team have been commissioned to work with Space Solutions to redesign the ground floor to maximise the space available. This will support the requirement for an on-site helpline to support the PVG Online beta customers and help reduce the volume of email enquiries. For longer term we will commission a third-party to present what the office could look like with 1 m physical distancing, including creative spaces;
- the Management of Offenders Act is on track to be implemented at the end of November. ; and
- a Legislation Implementation Advisory Panel (LIAP), with a blend of different skills, has been established, with an agile governance model, for implementation of the Acts. The panel will report to the Board.

6. DH asked what the fundamental concerns are. GH noted the challenge around PASS stability and the strategic capability with the number of things we need to deliver.

Horizon Scanning

7. SS noted the challenge around growing the economy and financial sustainability, particularly producing a Spring Budget Revision (SBR) with the evolving Covid impact. It was also noted that Internal Audit had highlighted concerns around the SG financial system (SEAS). A programme of work has started to transform shared services across SG and obtaining maximum value for investment in technology. This will include replacing SEAS.

Feedback from the Audit and Risk Committee (ARC)

8. The chair of the ARC provided a brief update, in line with the minutes presented, on the effective discussion around the management of risk and the way forward with the strategic finance plan. The meeting was constructive providing Board assurance that all ARC members are supporting DS and are focused on the same points.

Feedback from Change Delivery Advisory Panel (CDAP)

9. The Chair of the CDAP provided a brief update, in line with the minutes presented, of the meeting which focused on breaking down the technical debt and architectural areas of PASS. The Chief Executive asked for a forensic breakdown to be completed, followed by analysis and evaluation of the outputs.

Action/01/Sep: Chair of CDAP to provide an initial response paper to the Board on technical debt.

10. SS enquired if there was an update on the minutes of 15 June 2020, showing a £5.6 million capital budget and asked assurance be provided on what this will be used for over the Financial Year. CW noted there is no update at present and will provide assurance when the evaluation of the technical debt breakdown is complete.

Strategic Finance Update

11. 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;
 - Scott-Moncrieff commenced the statutory audit on 17/08/20 as planned. The fieldwork was completed by end of August. The ARC will sign off the Annual Report and Accounts (ARA) at the meeting on 13 October 2020;

- DS have advised SG of an additional pressure of £1.6 million, taking the total income shortfall to £5.6 million. This was required because of the depressed demand experienced, currently running at around of 73% of that originally planned, resulting from the economic downturn. This pressure will be contained at this level if demand picks up by 3% month on month over the course of the FY;
- SG have also been advised that DS will absorb some of the lost income with the DS Leadership Team (LT) taking a proactive approach to identifying efficiencies and realising subsequent cost reductions over the year;
- Internal Audit (IA) and DS have agreed, per audit plan for this year, the Terms of Reference for a review titled 'Preparedness for Efficiency Savings'; and
- to ensure that we can evidence progress, DS will initiate a robust governance environment to monitor progress against the key themes set out in the Strategic Finance Plan using a tracker, with the Corporate Governance Team providing oversight and reporting.

12. SS noted the key is how we have transformed strategy into operational plans and the suggested governance process would support that. The Target Operating Model (TOM) work was also noted. It was confirmed that this will be revisited in the next 6 months and be aligned to Corporate and Business Planning.

13. DH commented positively on a number of the planned savings being realised and noted the wording in paragraph 20 of the paper should be 'revised' budget.

Action/02/Sep: Director of Corporate Services change wording in finance update, paragraph 20, to revised budget.

Digital Update

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

- work is continuing to deliver the PVG Online channel and is on course for week commencing 21st September, dependent on the Business being able to support system outages and despite service interruptions outside of our control;
- the release will start with a private beta where we will be able to assess performance from a user perspective and bring in improvements, prior to its wider release to an extended private beta and thereafter to all users (public beta);
- the platform has a significant level of known technical debt. This will be addressed to ensure service continuity and to deliver the requirements of the Disclosure Act. Work has been begun to scope out what will be required to address the position. The outcome of this scoping exercise will be reviewed by the CDAP and LT. The immediate priority lies with re-engineering the platform to improve stability and efficiency; and
- a Lead Product Owner has been appointed to take forward the work of the Disclosure (Scotland) Act. The immediate priority is to develop roadmap and timeline for Act delivery. The intention is to undertake practical discovery exercises in parallel to the work on the technical debt, as this will inform the

roadmap for the Act from a technical perspective and provide user insight to their needs.

15. The Board shared their appreciation for the hard work of the digital team.

16. A discussion took place around the challenges of scope, time and cost (including resources), NK noted we are currently scoping out what needs to be delivered then the noted challenges will be considered. The current resourcing model is unstable and we are exploring recruiting permanent staff in place of contractors to address.

17. KR enquired if 21st September date is an internal commitment. NK confirmed DS is striving to meet this date as the earlier we move into private beta, the sooner we can progress to move into public beta. NK also noted high confidence levels for the implementation of the Management of Offenders Act (MOOA).

Draft revised Business Plan 2020/21

18. The Director of Corporate Services provided an overview of the revised plan:

- due to DS invoking Business Continuity because of Covid-19 and the rapidly changing environment, the Business Plan has been refreshed to reflect the new strategic landscape of DS;
- the revised plan describes 3 core objectives: Our People, Our Customers and Our Service. Alongside these are our overarching commitments around legislative changes and the corporate landscape. It is aligned to our [Corporate Plan](#) and will support the achievement of our four strategic goals;
- the Business Plan will be tracked by the Senior Governance Manager, using the Performance Framework. Any matters will be escalated to the owners and leads and if necessary the Board; and
- quarterly papers will be provided to the Board to provide an update on progress towards achieving objectives.

19. The Board agreed the format was very comprehensive and easy to follow. Points raised include:

- an action around supporting fair and safe recruitment practices, which are the principles underpinning the organisational commitment;
- the governance of data, risk appetite/approach, which could be expressed in the measures; and
- in addition to efficiency savings, cost reductions should be incorporated.

Action/03/Sep: Director of Corporate Services and Director of Policy and Communications to meet and discuss/update Business Plan with suggested inclusions.

Risk Report

20. The Director of Corporate Services, for the Director of Disclosure Services, Customer Engagement and Business Continuity, provided an overview of the risk report:

- in response to the Covid-19 outbreak, a new Covid risk register was created to run alongside the DS Corporate risk register;
- as part of our Recovery Strategy we agreed to utilise this opportunity to review our Corporate risk profile in line with our changing landscape and priorities. Therefore, for this period, we are in a state of risk management transition, from continuity risk management to a renewed, reviewed, current and improved Corporate risk environment including a new register;
- this work will conclude after the DS Annual Risk Review workshop scheduled for 7th October. The output of this workshop will be a new risk register, reporting framework and renewed profile aligned to our Corporate Strategy and reflective of the needs our risk owners, Board and ARC members; and
- the report seeks to address feedback from Board members regarding accessibility. It provides a readily accessible format whereby discussion can be focused on critical strategic risks, horizon scanning, escalations and changes to overall profile.

21. The Board were provided with a new proposed DS Board Corporate Risk Highlight report and asked to provide feedback and insights on both content and format of the Highlight Report for consideration and discussion at the October workshop.

AOB

22. Non-Executive Board Member (NXBM) review and appraisals were raised. All Board members agreed on a more formal approach, including recording evidence.

Action/04/Sep: Senior Governance Manager develop appraisal process for NXBM.

23. There was agreement from members to the point made by a Board Member that for all concerned, especially the overall organisation, there is now a pressing need to have the Chief Executive position filled on a permanent basis. The completion of the recruitment process was held due to the impact of the pandemic. It was hoped that this process could be resurrected as soon as practicable, although there was a recognition of the current pressures within SG.

Next Meeting Tuesday 27 October 2020

Actions	Responsible	Due by	Status
Action/04/Oct: Deep dive on Future of DS and communications to staff.	CEO	May 2020	<p>10/03/20: Added to April away day agenda.</p> <p>23/06/20: April away day cancelled due to Covid. Deep dive postponed.</p> <p>1/09/2020: 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.</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> <p>01/09/20: Action closed covered in Action/03/Jun</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> <p>21/07/20: Training scheduled for 19 August 2020.</p> <p>31/08/20: Training complete on 19 August 2020.</p> <p>08/09/20: Next steps from training, Board members to observe sprint review. Action Closed.</p>

<p>Action/01/Mar: Director of Disclosure Services develop a paper mapping out compliance pre and post PASS for the ARC.</p>	<p>Director of Disclosure Services</p>	<p>September Board Meeting</p>	<p>23/06/20: Paper will be presented at the September Board Meeting.</p> <p>01/09/20: Paper developed and added to Connect for out of committee review.</p> <p>08/09/20: Action Closed.</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 Covid response. Will be covered as part of future road map. Work underway on technical strategy which will be brought to the Board.</p> <p>01/09/2020: 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.</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> <p>18/08/2020: Draft will be presented to the Board at the meeting on 8 September 2020.</p> <p>08/09/20: Draft on agenda and any updates will be out with committee. Action Closed.</p>
<p>Action/01/Jun: Director of Operations and Business Continuity cross reference checklists from IA against Covid risk register and present outcomes at next Board.</p>	<p>Director of Operations and Business Continuity</p>	<p>Board on 8 September 2020</p>	<p>18/08/20: Annual review of risk will take place in October, will take IA checklists in to account when undergoing review.</p>

<p>Action/02/Jun: Chair of the ARC and Director of Operations and Business Continuity discuss intended purpose of risk workshop.</p>	<p>Director of Operations and Business Continuity and Chair of ARC</p>	<p>24 July 2020</p>	<p>16/07/20: Meeting took place on 16 July 2020. 08/09/20: Action Closed.</p>
<p>Action/03/Jun: Director of Operations and Business Continuity schedule risk workshop for end of July.</p>	<p>Director of Operations and Business Continuity</p>	<p>17 July 2020</p>	<p>01/09/20: Workshop scheduled for 7 October 2020 08/09/20: Action Closed.</p>
<p>Action/04/Jun: Director of Operations and Business Continuity present paper on what DS Customer Service will look like in future.</p>	<p>Director of Operations and Business Continuity</p>	<p>Board on 8 December 2020</p>	<p>18/08/2020: Currently in progress will be presented to the Board at the meeting on 8 December 2020.</p>
<p>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.</p>	<p>Chair of CDAP</p>	<p>28 August 2020</p>	<p>01/09/2020: 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).</p>
<p>Action/01/Sep: Chair of CDAP to provide a brief initial response paper to the Board on technical debt break down.</p>	<p>Chair of CDAP</p>	<p>2 October 2020</p>	

Action/02/Sep: Director of Corporate Services change wording in finance update, paragraph 20, to revised budget.	Director of Corporate Services	18 September 2020	Complete. Action Closed.
Action/03/Sep: Director of Corporate Services and Director of Policy and Communications to meet and discuss/update Business Plan with suggested inclusions.	Director of Corporate Services and Director of Policy and Communications	11 September 2020	Complete. Updated Business Plan for 2020/21 provided to Board out of committee for agreement on 15/09/20, with responses due by 23/09/20. Action Closed.
Action/04/Sep: Senior Governance Manager develop appraisal process for NXBM.	Senior Governance Manager	30 September 2020	