

## Children's Hearings Scotland Board

### Minute of the Board meeting held on 6<sup>th</sup> December 2011 – 3.00pm at Victoria Quay, Edinburgh.

**Present:** Craig Spence, Chair  
Brian Baverstock, Board member (from item 1.8)  
Alastair Hamilton, Board member  
Andrew Thin, Board member  
Linda Watt, Board member

**In attendance:** Debbie Bayne, Support Officer, CHS  
Ravinder Carothers, Support Officer, CHS  
Franck David, Administrative Support, CHS (minute taker)  
Kit Wyeth, Scottish Government

The meeting opened at 3.00pm.

031 1.1 **Welcome**

The Chair welcomed everyone to the meeting.

032 1.2 **Apologies**

Brian Baverstock sent apologies and notified the Chair that he would be unable to attend the meeting from the start.

Apologies were noted from Bernadette Monaghan, National Convener/ Chief Executive, CHS.

033 1.3 **Declarations of Interest**

No interests were declared in relation to agenda items.

034 1.4 **Minute of previous meeting held on 21<sup>st</sup> November 2011**

The minutes of the meeting held on 21<sup>st</sup> November 2011 were approved and will be posted on the CHS website.

035 1.5 **Matters arising**

**Move to Ladywell House**

Ravinder Carothers informed the Board that:

- five permanent members of staff had moved to Ladywell House, the office was fully functional and could run independently.
- there were outstanding issues with IT equipment however, these were being actively pursued.

036 1.6 **Action log**

Board members added one action point to the Action Log stemming from the Board meeting held on 21<sup>st</sup> November 2011; that the National Convener should report to the Board on whether there will be a consultation on independent legal

advice.

The Board noted the Action log.

037 1.7 **National Convener/ Chief Executive Update**

The Board noted the National Convener/ Chief Executive update.

038 1.8 **Chair update**

Brian Baverstock joined the meeting.

The Chair gave an update on new developments since the last meeting of the Board.

He advised the Board that he had yesterday taken action to:

- Suspend the NC/CEO on full pay from all duties. This was not a disciplinary sanction and there was no guilt implied or established.
- Appoint an investigator to conduct a robust independent investigation and report back to the Board.
- explore immediate arrangements to cover critical functions of the CEO's role.

Further to this update, the Board had a discussion regarding short-term practical arrangements. The Chair agreed to take on the essential functions of the CEO as an interim measure but for no more time than absolutely necessary, in order to provide stability and business continuity to the staff and organisation.

A Board member queried how quickly a full-time person could start in this role.

Another Board member supported the idea of a full-time person starting as quickly as possible whilst another member expressed concerns that appointing someone to cover CEO functions too rapidly might potentially be at the expense of suitability.

**Decision:** the Board agreed:

- That the CHS Chair fulfils the critical functions of the role and responsibilities of CEO (Executive Chair) until Friday 9 December;
- To seek Legal and HR advice regarding hiring someone into an interim role to cover the period of the investigation only.
- Subject to this advice, to direct the Chair to work closely with SG to identify potential appropriate interim or additional resource by Friday 9 December and appoint if a suitable candidate is available.

039 2.1 **CHS Board Programme of Business**

The Board agreed to defer consideration of CHS Board Programme of Business and to feed any comments to Franck David.

040 2.2 **Financial Report**

The Board considered paper CHS1112-022

Ravinder Carothers produced updated figures outlining the current financial

position of CHS showing a projected underspend on current projections of around £500,000 for the remainder of 2011-12.

A Board member said that there should not necessarily be an assumption that there will be an underspend due to CHS' ongoing projects, commitments and planned activities in terms of varied legal costs, HR, possibility of recruiting senior staff and/or advisers to move quickly a number of issues forward.

### **Decision**

The Board agreed to:

- Direct the Interim CEO to work closely with SG and others to explore suitable options for producing a balanced budget at year-end, maximising resources and giving full consideration to bringing forward 2012-13 work where possible.
- The Board agreed that this work should be complete by 23 December 2011.

## **041 2.3 Risk reporting and management**

The Board considered paper CHS1112-023

The Board expressed serious concerns at the inadequacy of the paper provided.

A Board member said that the Scottish Government had a risk management system model which could be looked at and adopted by CHS.

Another Board member agreed that the Scottish Government's model should be the default position for CHS unless a more suited model could be identified.

The Board said that risk reporting and management was an issue that the Interim CEO must work with the incoming Director of Finances and Corporate Services to address as a matter of urgency.

### **Decision**

The Board directed the Interim CEO to develop a risk management plan as soon as possible.

## **042 2.4 Strategy Framework**

The Board considered paper number CHS1112-024.

A Board member explained that they had drafted this paper as a starting point only to assist the CEO/National Convener however, this paper was not intended for circulation.

### **Decision**

The Board agreed to defer consideration of the Strategy Framework and requested that the Interim CEO to undertake detailed work on this matter and seek staff and Board member input where required.

## **043 3.1 National Framework for Standards for Scotland's Children's Panel**

Debbie Bayne introduced paper number CHS1112-025.

Ms Bayne said that, in order to produce a high standard document, the National Standards would greatly benefit from further work between CHS and the Scottish Government, the consequence of which being that the consultation on National

Standards would not be launched w/c 5 December as initially intended.

A Board member noted the significant work that Ms Bayne had put into the document. The Board member agreed that this paper was not ready to be launched in its present form but expressed concerns at the perception that a further delay may give.

A member suggested that the National Standards should be disentangled from the roles and responsibilities of Area Support Teams (ASTs), which was supported by the Board.

### **Decision**

The Board agreed:

- to postpone future consideration of the National Framework for Standards for Scotland's Children's Panel until further work between CHS and the Scottish Government has been carried out;
- that the National Framework for Standards document need not incorporate the role and functions of ASTs; and
- to seek legal advice to ascertain to what extent the ASTs negotiations can be progressed whilst the National Convener is not at work.

## 044 **3.2 Short-term National Standards & ASTs Action Plan** **&** **3.3 Structural Change Action Plan**

The Board considered papers CHS1112-026 and CHS1112-027 jointly.

A Board member said that they had drafted these papers as a starting point only to assist the CEO/National Convener however, these were not intended for circulation.

The Board expressed a number of concerns:

- the inadequacy of the Short-term Action Plan produced by the National Convener. In particular the lack of reassurance to the Board that agreed timescales were being adhered to; and
- previous items on the agenda had presented the National Convener as the author of the papers however, this was misleading as a Board member had produced these papers as a starting point only; further, that none of these papers was intended for circulation.

The Board noted that the National Convener had delegated authority to an individual to lead the negotiations with Local Authorities regarding ASTs.

The Chair informed the Board that he had been invited to attend as an observer at a Programme Board meeting on Friday 9 December to oversee the work done on ASTs, and wider structural change, and that he would report back to the Board.

### **Decision**

The Board noted papers CHS1112-026 and CHS1112-027 and agreed to:

- ask the Interim CEO to urgently consider the Short-term National Standards & ASTs Action Plan and provide a robust analysis of the current situation together with project plan on ASTs, SLAs, timeframe and resources needed;
- clarify the role, responsibilities and functions of the individual to whom AST negotiations was delegated; and

- Direct the Chair to use the content and presentation of papers CHS1112-026 and CHS1112-027 as part of a performance management conversation.

045 3.4 **Matters arising**

A Board member thanked the Chair for the way he dealt with the current situation as well as CHS staff for their understanding and flexibility during this difficult period. This was unanimously supported by the Board.

Further, the Board member particularly thanked Ravinder Carothers for the professionalism, expertise and the invaluable support he consistently demonstrated over the past seven months and wished him well for the future. This too was unanimously supported by the Board.

The Chair thanked all those present for their contribution and said that the next scheduled meeting of CHS Board would take place on 19 January 2012.

The meeting closed at 4.18pm