

Children's Hearings Scotland Board

Minute of the Board meeting held on 15th July 2011 – 09.45 at Scottish Natural Heritage, Battleby, Perth

Present: Craig Spence, Chair
Brian Baverstock, Board member
Alastair Hamilton, Board member
Andrew Thin, Board member
Linda Watt, Board member

In attendance: Bernadette Monaghan, National Convener
Tom McNamara, Scottish Government (SG) Children's Hearings
Team
Ravinder Carothers, Support Officer
Debbie Bayne, Support Officer (minute taker)

001 1.1 **Welcome**

The Chair welcomed the new Board members and National Convener. The Board introduced themselves. They all expressed their delight at being appointed, and expressed a desire and commitment to supporting Panel Members to improve the lives of children.

The National Convener introduced herself.

The Chair thanked those who had come to observe the meeting and set out the commitments made by the Board:

- to work nationally, but be rooted in every Local Authority in Scotland.
- to embrace openness, transparency and equality in everything they do.
- to work in partnership to make the Children's Hearings system experience more accessible and responsive to children and their families.
- Work within the framework set out by the Minister in the Management Statement to improve outcomes for children and young people in Scotland.

The Chair thanked Panel Chairs, Children's Panel Advisory Committee (CPAC) Chairs and Clerks, the Children's Panel Advisory Group (CPAG), the SG Children's Hearings Team, Local Authorities and other partners, in particular the Scottish Children's Reporter Administration (SCRA) for their hard work and positive contributions to the reform process, culminating in the passing of the Children's Hearings (Scotland) Act 2011. He also thanked Tom McNamara, Ravinder Carothers and Debbie Bayne for their work in supporting setting up CHS as a new organisation and on organising the Board meeting.

002 **1.2 Apologies**

Apologies were noted from Fiona Robertson, SG.

003 **1.3 Declarations of Interest**

No interests were declared in relation to agenda items.

004 **1.4 National Convener Update**

This item was covered later at item 3.2

005 **1.5 Chair's update**

The Chair outlined the activities he had been engaged in since his appointment in April 2011. He had:

- met with Angela Constance, Minister for Children and Young People.
- worked with the National Convener to establish CHS as an organisation.
- participated in meetings and events in Local Authorities across Scotland involving more than 500 Panel Members.
- attended the Children's Panel Chair's Group (CPCG) meeting in April.
- attended the SCRA Board meeting in June, and held positive discussions with SCRA about sharing services and partnership working.
- discussed sharing services with National Records Scotland(NRS).
- attended the Big Picture event with the Educational Ministerial Team.
- visited various SG buildings to assess their suitability as prospective office space for CHS.
- participated in the recruitment of the Board Members via the Public Appointments process.

and, along with the Board at their induction day:

- held discussions with Perth and Kinross Panel Chair Jenny Blinkthorne and CPAC Chair Joy Knight.
- visited Almondbank House in Perth to see the Barnardo's Hopscotch project, which works with children affected by parental substance abuse, and All Stars School, which offers educational support to primary school age children with complex emotional and behavioural difficulties.

006 **2.1 Appointment of Chief Executive (CE)**

The Chair presented paper CHS1112-001, outlining the proposal to appoint Bernadette Monaghan as CE of the organisation, and explaining that when she was appointed National Convener it was on the understanding she would also be designated CE.

Decision

The Board appointed Bernadette Monaghan as Chief Executive until 31st March 2016, this is concurrent with the appointment as National Convener.

007 2.2 Management Statement and Financial Memorandum (MS/FM)

Tom McNamara presented the MS/FM, paper CHS1112-002, and explained to the Board that normally a member of the SG Sponsor Directorate would only observe at a Board meeting, but that he was presenting the paper because he had been involved in drafting it.

Along with the Children's Hearings (Scotland) Act 2011, the MS/FM lays out what is required of CHS in terms of corporate governance, and the parameters within which CHS must operate. They are a requirement for compliance with the Scottish Public Finance Manual.

The MS/FM has been drawn up the Sponsor Directorate in consultation with CHS. The management statement sets out the broad framework within which CHS will operate, while the financial memorandum sets out certain aspects of the financial framework in greater detail.

The MS/FM will be reviewed and updated periodically by the sponsor Directorate, normally at least every 2-3 years.

The MS and FM still need to be cleared by the Minister, following input from the SG Finance department.

The Board commended the work done to date and requested a revision of the MS/FM after 12 months. They requested that SG consider three areas:

1. Planning
2. Budgetary control and monitoring.
3. Annex to the FM – levels of delegated authority.

A discrepancy in references to two different pension providers in the MS/FM was also pointed out.

Decisions

The Board agreed to:

- **adopt the MS/FM in the interim while pursuing clarity on Planning, Budgetary Control/ monitoring and levels of delegated limits.**
- **delegate the Chair of the Audit and Risk Management Committee to work with Tom McNamara, to finalise the MS/FM and report back to the Board by the end of August 2011**
- **Consider requesting a review of the MS/FM in July 2012.**

008 2.3 Board Committees

The Chair presented CHS 1112-003, outlining the requirements for the Audit Committee and Remuneration and Appointment Committee of CHS.

The formation of an Audit Committee is a statutory requirement and the Audit Committee assists the CHS Board to deliver its responsibilities for the conduct of public business, and the stewardship of funds under its control.

The Remuneration and Appointment Committee assists the CHS Board to deliver its responsibilities for effective staff performance management, recruitment, remuneration and appointment.

The Board requested that the Audit Committee be called the Audit and Risk Management committee to signal the importance of assessing and managing risk across all functions and areas of work of CHS, not just in financial matters.

They also noted the importance of assessing and managing risk as functions are migrated from SG to CHS and the National Convener over the coming months, in particular training of panel members.

Decisions:

The Board:

- **requested a briefing paper be circulated to Board Members, outlining a detailed timetable for the migration of functions and responsibilities.**
- **appointed to the Audit and Risk Management Committee Andrew Thin, Linda Watt and Brian Baverstock (Chair).**
- **appointed to the Remuneration and Appointments Committee Alastair Hamilton, Linda Watt and Craig Spence (Chair).**
- **agreed that both committees would review their Terms of Reference at their first meeting.**

009 2.4 Code of Conduct

The Chair introduced CHS 1112-004, outlining the Code of Conduct for Board members. All Public Bodies in Scotland must abide by the provisions of The Ethical Standards in Public Life etc. (Scotland) Act 2000 which introduced a new ethical framework for public life in Scotland. The Scottish Parliament approved a model of Code of Conduct for members of devolved bodies, and this model was used to produce the CHS Code of Conduct for Board members. He commented that the Board had undertaken a presentation/workshop on the Code of Conduct as part of their induction day.

The Code of Conduct requires that all Board members register their interests, and that the register of interests must be made available on the CHS website.

Decisions

The Board:

- **approved the Code of Conduct.**
- **agreed to submit individual registers of interest by 31st July 2011.**
- **agreed to participate in 'On Board' or similar Board member training by 31st December 2011.**

010 2.5 Organisational Structure

The Chair presented CHS 1112-005, outlining the proposed organisational structure: two divisions, headed by the Chief Executive/National Convener and supported by a Director of Finance and Corporate Services and a Director of Panel and Area Support, with 14 members of staff in total.

Seven of the positions are involved in delivering the operational and policy work of the organisation. These roles are the outward facing element of CHS and will ensure that objectives are met through the support of Area Support Teams, Panel training and implementing national guidelines.

Five of the positions are involved in Corporate Services roles, working on the day-to-day financial and administrative work of the organisation.

Board members asked how the decisions on two Director level posts (as opposed to three proposed by SG), and salary levels were arrived at. The CE and Chair explained that having two Directors allowed room in the budget to appoint all staff at appropriate salary levels, making the organisation more financially efficient, and that the roles had been benchmarked against a basket of similar NDPBs. Job descriptions had been approved in draft by the Pay Policy Unit.

Board members expressed concern about the time it would take to appoint senior people with major pieces of work to be completed to challenging deadlines, and noted there may be a need to recruit suitably experienced interim staff.

They also sought reassurance that the structure included sufficient administrative help to allow clear delegation.

Decisions:

The Board:

- **approved the revised organisational structure, as proposed by the CE and Chair.**
- **approved the pay grades and terms and conditions for CHS staff.**
- **delegated authority to the CE to recruit staff, with support from the Remuneration and Appointments Committee.**

011 2.6 Property/HQ

The CE presented CHS 1112-006, outlining the options for a headquarters office base for CHS and the criteria used to assess these options.

CHS developed a list of essential criteria for accommodation.

In line with the SG Asset Management Review 2008 policy, CHS may only consider recorded vacant space in the SG funded estate.

The requirements of CHS and compliance with the above policy narrowed the available properties to the following:

- Saughton House.
- Victoria Quay.
- Ladywell House.
- Pentland House.

These properties were scored against the following criteria:

- adequate discreet space for 15 staff.
- affordability.
- separate dedicated meeting room.
- separate office for National Convener.
- public transport links for staff and visitors.
- office in move-in condition.

Ladywell House is the recommended option as it fully meets the essential criteria, and has costs comfortably within the CHS accommodation budget of £102,000, with an annual rent of between £60,000 and £70,000 including full facilities management.

Decisions:

The Board:

- **approved Ladywell House as the Headquarters for CHS, subject to Ministerial approval.**
- **delegated authority to the CE to finalise agreements to lease the property.**

012 2.7 Equalities

The Chair presented CHS 1112- 007, outlining CHS's responsibility in terms of the UK Government's Equality Act 2010, and explained that Yvonne Strachan, Deputy Director of the SG Equalities Unit, had briefed the Board during their induction day.

The Act has three main elements. It requires public authorities to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Chair asked the Board members to share their observations and the challenges that the Act poses for CHS.

Board members expressed their approval that this topic was on the agenda of the first Board meeting, and noted that, as equality is integral to the Children's Hearings system, this would be an important area of their work even if there was no Act to comply with. They further noted that it is a

complex area and requested time be set aside for the Board to decide how best to embed this into working practices.

Decisions:

The Board:

- **noted the Act and CHS' duty to comply with it.**
- **agreed to hold a Board workshop to consider how to embed it in the working practices of CHS.**

013 2.8 Financial Statement

The CE presented CHS 1112-008, the CHS budget for 2011/12, and the Financial Statement for the first three months of operation (to end June 2011).

The CE asked what the Board require in terms of financial reporting at future meetings. The Chair of the Audit and Risk Management Committee recognised that this is a time of transition, but stated that was important to move as quickly as possible to monthly management accounts and reporting.

The Board were advised that work was being done by SG to finalise the Financial Memorandum and put banking arrangements in place.

The Chair of the Audit and Risk Management Committee offered to provide some interim assistance until the CHS financial function is in place.

Decision:

The Board:

- **noted the Financial statement.**
- **requested that further work be done to clarify CHS financial reporting arrangements.**

014 3.1 Strategic Engagement Plan

The NC presented CHS 1112-009 and explained that its purpose is to help project the core CHS messages of working with and representing panel members.

The Board welcomed the plan and noted that it signals clearly that stakeholder analysis is at the core of how the National Convener and Board will conduct their business. They expressed their willingness to play a part in engaging with stakeholders and requested that the NC ask them for help as required. They also requested that the plan be further prioritised and structured.

Decisions:

The Board:

- **approved the strategic engagement plan.**
- **noted their commitment to help in its execution.**
- **requested a timetabled plan, prioritised as above.**

015 3.2 **Implementation Update**

The NC outlined the activities she had been engaged in since her appointment in April 2011. She had:

- Written to all Panel Members to introduce herself and met with a large number of Panel Members all over Scotland.
- Visited 31 out of the 32 Local Authority areas and met with Panel Chairs, CPAC Chairs and CPAC Clerks as part of the pre-consultation work to write the consultation paper on the development of Area Support Teams.
- Elicited written responses to a series of questions about current practice within each CPAC in order to establish what is happening now, and find examples of best practice.
- Drafted the consultation paper.
- Worked with the Chair to set up CHS as an organisation in its own right.
- Worked with Tom McNamara of SG on the bigger reform agenda.

She expressed her thanks to all the people she'd had contact with for their goodwill and willingness to engage with the consultation process, acknowledged people within the system's nervousness about what the changes as a result of the Act would mean, and expressed her desire to work with people to get the process of change right and take a pragmatic approach to it.

016 3.3 **Shared Services**

Ravinder Carothers presented proposals on shared services and explained that it is a SG priority to embed shared services across the Scottish public sector. The initial CHS core services open to sharing are HR, ICT, Procurement, Communications and Finance. The over arching principle behind shared services is one of Best Value, with shared services offered on an 'at cost' basis where a public sector body has spare capacity in a particular area.

Throughout the passage of the Children's Hearings Reform Act there has been an assumption that CHS as a new, small, modern and efficient NDPB would share services. The costs of corporate services in the CHS budget are based on shared service provision.

The Scottish Children's Reporter Administration (SCRA) offered a comprehensive shared services offering to CHS. Further shared services offerings were provided from SG and also from National Records Scotland (NRS) who are located at Ladywell House.

Board members asked why research was not part of the shared service offering, and requested that this be added. Ravinder Carothers explained that the list was not comprehensive, and represented the first tranche of services, which would be added to later. The NC noted that discussions about shared research had been held with SCRA, who were also willing to share data with CHS.

Board members noted:

- all shared services under consideration were based in Edinburgh, and stated that there was an increasing need to explore sharing services right across government, which would provide the opportunity to locate some services outside of Edinburgh.
- an assumption was being made that 'at cost' represented best value, when this may not be the case.

They also noted that it was important that CHS is seen to be independent of SCRA, and requested that agreements with SCRA be built to ensure that.

Decision

The Board:

- **approved entering in to shared service agreements with SCRA for HR and payroll; NRS for procurement and SG (via the SCOTS network) for IT.**
- **delegated authority to the CE to finalise agreements on these shared services and progress discussions on other shared service opportunities.**

017 3.4 Board Meetings

The Chair presented CHS1112-0011 outlining a proposal for the way in which the Board of CHS will conduct its Board meetings, the future direction for the Board and its work, and a timetable for future meetings.

Board members expressed their approval that at least half of the meetings were to be held outside Edinburgh, and requested that methods of staying in touch between the Board meetings (for example video conferencing) were explored.

Decision:

The Board:

- **approved the structure and timetable for the Board meetings for the rest of 2011/12 financial year.**
- **noted the Audit Scotland Report 'The Role of Boards'.**

The meeting closed at 12.05

Approved 20th September 2011.....Craig Spence, Chair