

## BOARD MEETING MINUTES

**3rd Meeting, 2013  
Wednesday 20 March 2013**

**Present:**

Craig Spence, Chair	John Anderson, Board member
Brian Baverstock, Board member	Alastair Hamilton, Deputy Chair
Marian Martin, Board member	Andrew Thin, Board member
Linda Watt, Board member	

**Also present:**

Bernadette Monaghan, National Convener/CEO, CHS  
 Alison Gough, Director of Panel and Area Support, CHS  
 Fiona Greig, Director of Finance and Corporate Services, CHS  
 Robert Marshall, Deputy Director Care & Justice, The Scottish Government  
 Janine Ballantyne, Research Assistant (temporary), CHS  
 Sara Brodie, Performance and Research Officer, CHS  
 Shyamali Das-Bharadwa (minute taker), CHS  
 Andrew Fisk, Interim IT Manager, CHS  
 Janis McDougall, Executive Support Officer, SCRA  
 Lesley Taylor, Communications Officer, CHS

The meeting opened at 12:35 pm.

		Timescale	Action
	<b>Welcome and introductions</b>		
	<p>The Chair welcomed everyone to the meeting and in particular Marian Martin and John Anderson, the two new Board members who joined on 11 March 2013. The Chair highlighted and welcomed the experience in the Children's Hearings system brought by the new members.</p> <p>Marian Martin and John Anderson introduced themselves and gave a brief background of their experience and current working.</p>		
1.	<b>Declarations of Interest</b>		
	There were no declarations of interest..		

2.	<b>Minutes of Meeting held on 30 January 2013</b>		
	<p>The minutes were agreed as a correct record.</p> <p><b>Matters Arising:</b>  <b>AST Partnership Agreements</b>  <b>Noted:</b>  The partnership agreements were now all in place and the Board acknowledged the significant amount of work undertaken and recorded its appreciation to everyone involved in this process.</p> <p><b>Public Appointments Process</b>  <b>Noted:</b>  The CHS Board recruitment process had now concluded and the two new Members appointed to the Board.</p> <p><b>Engagement Plan</b>  <b>Noted:</b>  Engagement will now be a standing item on the agenda and will be incorporated within the report at Item 4 – Chair &amp; National Convener/Chief Executive Update.</p>		
3.	<b>Action Log</b>		
	The action log was reviewed and noted.		
4.	<b>Chair &amp; National Convener/Chief Executive Update and Engagement Update</b>		
	<p>The National Convener/Chief Executive spoke to the report which provided an update on the range of activity undertaken since January 2013 referencing in particular:</p> <ul style="list-style-type: none"> <li>▪ <b>AST Partnership Agreements</b> – the significant efforts by both the CHS Team and the Scottish Government Sponsor Team in achieving sign-off of all the partnership agreements.</li> <li>▪ <b>Recruitment</b> to the Area Convener and Depute for South Lanarkshire was underway – following conclusion of this process all recruitment will have been successfully completed.</li> <li>▪ <b>National Panel Transfer</b> – work was underway to issue letters to Panel Members who have agreed to the transfer (and to those who have not) at the end of March/beginning of April. In addition a further letter will be issued to any Panel Members who have not responded confirming CHS intention to assume</li> </ul>		

	<p>they have decided not to transfer.</p> <ul style="list-style-type: none"> <li>▪ <b>Training</b> - the procurement process for the design and delivery of the core national curriculum was underway, with specialist assistance from an NRS Procurement manager and a financial consultant. Everything is on-track at present.</li> <li>▪ <b>Feedback Loop</b> – there will be two phases to the work – Phase 1 will focus on collecting profile information on children who are subject to compulsory supervision orders and Phase 2 will examine what constitutes an effective Compulsory Supervision Order and the impact for those children and young people.</li> </ul> <p>Work on the first step : to agree and sign off a form of word with ADSW that sets out our common understanding has now taken place and a draft has been received from the Association of Directors of Social Work (ADSW). A small consultative group for road testing further drafts leading to agreement on the final version will now be set up.</p> <ul style="list-style-type: none"> <li>▪ <b>Advice to Hearings and Breach Reporting (Enforcement Power)</b> – the work is underway in relation to these two areas of work.</li> <li>▪ <b>Work with SCRA</b> – continued support from SCRA staff around project management, corporate governance and Board support arrangements.</li> </ul>		
	<p><b>Matters arising during discussion:</b></p> <ul style="list-style-type: none"> <li>▪ <b>Training</b> – The new contract will commence in September 2013. The contract is scheduled to be awarded in June with a handover period until the contract commencement date. Going forward there will be a Contract Manager in place as well as the establishment of a training reference group. Legal support will be procured and in place for go-live.</li> <li>▪ <b>Feedback Loop</b> - Work has included (1) meeting with the Care Inspectorate about the definition of implementation of compulsory supervision orders and (2) visit to Renfrewshire Council to review the information currently recorded in respect of hearings decisions and the implementation of compulsory supervision orders.</li> <li>▪ <b>Risk Management</b> - A Project Exceptions and Risk report has been created as the single reporting tool for both the CHS Board and the Scottish Government Programme Board. The CHS</li> </ul>		

	<p>internal Project Board will be monitoring risk as part of its routine business and reporting to the Audit and Risk Management Committee on a regular basis. Any urgent risk issues will be brought to the immediate attention of the Board.</p> <p>Positive feedback has been received from the Programme Board in relation to the Project Exceptions and Risk report.</p> <ul style="list-style-type: none"> <li>▪ <b>Area Support Teams</b> – the National Convenor/Chief Executive identified that the main challenges going forward would be: <ul style="list-style-type: none"> <li>○ to ensure that core policies and procedures are in place to fulfil the role (including cultural issues in the transition to the new world)</li> <li>○ to make best use of the networks; and</li> <li>○ to utilise staffing resources to best effect.</li> </ul> </li> </ul> <p><b>General:</b> Robert Marshall, Deputy Director, Care &amp; Justice, Scottish Government paid tribute to the work undertaken by CHS staff in securing the sign-off of all AST Partnership Agreements. The focus for the Programme Board over the next three months will now be on transition, quality, working in partnership and communications.</p>		
<p><b>Noted:</b></p> <ol style="list-style-type: none"> <li>(1) Training, Feedback Loop and Advice to Hearings will be included as standard items for the National Convenor’s update report to the Board.</li> <li>(2) Progress updates on the range of activity will continue to be provided to the Board as part of the National Convenor/Chief Executive routine report.</li> <li>(3) The Chair and National Convenor Engagements for the period January-March 2013.</li> <li>(4) Positive feedback has been received on the AST workshops and Board involvement there to date.</li> </ol>			
	<p><b>Agreed:</b></p> <ol style="list-style-type: none"> <li>(1) <b>Feedback Loop</b> – The research evidence pulled together by Professor Bill Whyte and colleagues from the Criminal Justice Social Work Development Centre on what constitutes an effective Compulsory Supervision Order to be circulated to Board Members for information.</li> <li>(2) <b>Risk Management</b> - The Audit Committee Chair and National Convenor/Chief Executive to discuss arrangements to ensure that the Board has sight of the Programme Board risks to allow the Board to conduct its scrutiny role and consider reprioritisation of activity as appropriate.</li> </ol>		

5.	<b>Director of Panel and Area Support Update</b>		
	<p>The Director of Panel and Area Support gave a verbal update on ongoing activity.</p> <p><b>Noted:</b></p> <ol style="list-style-type: none"> <li>(1) The ongoing programme of work in relation to development of ASTs.</li> <li>(2) The tremendous contribution and commitment by all volunteers and in particular to those currently performing dual roles.</li> <li>(3) CHS were supporting AST Development Workshops – 15 have now taken place with the dates set for the remaining 7 workshops.</li> <li>(4) Some ASTs were more developed than others and differing levels of support requirements have been identified. The challenge for CHS over the next 14 weeks will be to ensure effective time/people management in support of the 22 shadow support teams.</li> <li>(5) Five induction weekends have been scheduled between March and May which will focus on the overall policies and procedures framework for ASTs.</li> <li>(6) Training – An Award Design Team was creating a Level 7 DPA Award for new Panel Member training. For existing Panel Members, proposals were being explored for ‘recognition of prior learning’.</li> </ol>		
6.	<b>Information Systems Plan</b>		
	<p><b>Noted:</b></p> <p>This item would be considered in the private session of the Board due to commercial sensitivity.</p>		
7.	<b>Budget 2013/14</b>		
	<p>The Director of Finance and Corporate Services spoke to the report which sought approval of the draft CHS 2013/14 budget.</p> <p><b>Noted:</b></p> <ol style="list-style-type: none"> <li>(1) The budget was aligned with planned key activities included in the draft 2013/14 Business Plan.</li> <li>(2) There had been a particular challenge in preparing for the 2013/14 budget in the absence of robust historic data.</li> <li>(3) There were significant risks identified around the budget, particularly in relation to Panel and AST expenses and Panel Member training. Costs will be kept under review and updates</li> </ol>		

<p>provided to the Board.</p> <p>(4) Some activities from 2012/13 have rolled over to 2013/14 i.e. research and publication of corporate documents.</p> <p>(5) The draft funding requirement of £3.465m exceeded the indicative grant-in-aid of £3.35m by £115k. This gap will be funded within the limited flexibility available to carry forward resources.</p> <p><b>Issues arising during discussion:</b></p> <ul style="list-style-type: none"> <li>▪ Panel Member Expenses – this area of the budget was identified as a risk area. It will be monitored on a monthly basis and it was expected that by December 2013 (after six months of activity) there will a clearer indication of budget requirements.</li> <li>▪ 14/15 Budget – the Board needed to look forward and in considering the 13/14 budget needed to take account of the impact on future budget years. This was particularly significant given the current financial constraints affecting all public sector bodies.</li> <li>▪ The need for the organisation to consider the implications of any recurring expenditure e.g. approval of contracts.</li> <li>▪ The Board sought an assurance from the Senior Management Team that there was there was sufficient flexibility and opportunities within the budget to manage expenditure (particularly in the risk areas identified) within the allocated GIA to CHS.</li> </ul> <p>In response the Senior Management Team confirmed that the budget presented was adequate to support the CHS 2013/14 business plan activities subject to the risk areas flagged to the Board. The budget had been developed following a robust and thorough financial planning exercise.. It was agreed that further work was required to develop a 5-year financial plan once more information is available around the costs of training and panel and AST expenses..</p> <p><b>General:</b></p> <p>Robert Marshall, Deputy Director, Care &amp; Justice, Scottish Government confirmed that GIA allocations were set and organisations have to work within that overall envelope. In terms of forward planning, most organisations are planning to work within their current envelope minus 7%. In these circumstances there must be an approach to planning to take control and work within these figures. In approving budgets, organisations must take account of current and future financial resources.</p>		
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	<p><b>Agreed:</b></p> <p>(1) The need for a 5 year financial strategy to be prepared and presented to the Board for consideration in December 2013</p> <p>(2) To approve the 2013/14 budget subject to:</p> <ul style="list-style-type: none"> <li>▪ formal written confirmation of the GIA</li> <li>▪ formal written confirmation of approval of carry forward limits to fund the deficit.</li> </ul>		
<p>8.</p>	<p><b>Business and Corporate Plans 2013/14</b></p> <p>The Director of Finance and Corporate Services presented this report which sought approval of the draft CHS Business Plan 2013/14.</p> <p><b>Noted:</b></p> <p>(1) The Plan has been developed in accordance with the revised National Performance Framework 2011 and Corporate Expectations guidance.</p> <p>(2) The objectives and activities will directly contribute to the achievement of CHS’ four corporate outcomes as detailed in the Corporate Plan 2012-15.</p> <p>(3) The main strategic risk identified was capacity and it was likely to continue to present a challenge to the achievement of all aspects of the Plan.</p> <p>(4) There was an agreed structure in place for monitoring and reporting of progress, performance and risk management against the Plan. This will include a quarterly performance report to the Senior Management Team and the Board.</p> <p>(5) Dialogue and engagement with the Head of the Children’s Hearings Branch has continued throughout the development of the Business Plan in formal and informal settings. Feedback on the current draft with the Branch will be included in the final version.</p> <p>(6) Some further work on the Plan was underway to include additional targets.</p> <p>(7) The Plan has been cross-checked against SCRA’s draft 2013/14 Business Plan and activities aligned.</p> <p><b>Issue arising during discussion:</b></p> <p>The Plan needs to make a clear reference to/recognition of the reducing budgets and financial operating context across the public sector.</p> <p><b>Agreed:</b></p> <p>(1) To approve the CHS Business Plan for 2013/14 and to remit</p>	<p>Ongoing</p>	<p>Ongoing</p>

	<p>authority to the Chair and Chief Executive to finalise the Plan ahead of its submission to the Scottish Government.</p> <p>(2) Board Members to provide any additional comments on the Plan to the Director of Finance and Corporate Services by 21/3/13.</p>	21 March	Complete
9.	<b>Minutes of the Audit &amp; Risk Management Committee of 6 November 2012</b>		
	<p>The Chair of the Audit &amp; Risk Management Committee summarised the range of business conducted at its meetings held on 6 November 2012 and 26 February 2013 highlighting in particular:</p> <ul style="list-style-type: none"> <li>▪ Internal Audit Report on Risk Management – positive report which highlighted areas for strengthening arrangements including further work to be undertaken in relation to capturing risks around AST Panel Members.</li> <li>▪ CHS' Financial position – full discussion had taken place on the financial position.</li> <li>▪ Data Security – the recognition that data security issues were challenging particularly given the requirement for legal compliance by the Go Live date.</li> <li>▪ Internal Audit Plan – issue raised around the adequacy of the Plan for the coming year. The Committee agreed to revisit the Plan following the risk session to be facilitated by Scott Moncrieff which will allow the Board/SMT to consider new risks, reassess current risks and look at risk appetite. Risks identified for further drill down included – AST, Panel Expenses and transition from Scottish Government.</li> <li>▪ The External Audit Plan for the current set of accounts was reviewed.</li> </ul> <p><b>Noted:</b> The minutes of the Audit &amp; Risk Management Committee of 6 November 2012.</p>		
10.	<b>Data Protection Policy</b>		
	<p>The Performance and Research Officer presented this report which sought approval of the CHS Data Protection Policy.</p> <p><b>Noted:</b> (1) The requirement on Children's Hearings Scotland to maintain</p>		

	<p>certain personal data about individuals for the purposes of satisfying its operational and legal obligations.</p> <p>(2) The Data Protection Act 1998 (DPA) placed obligations on CHS employees (permanent and temporary, including contractors), Board AST Members and Panel Members to protect the information of all data subjects.</p> <p>(3) CHS (including AST Members and Panel Members) is a Data Controller, as defined in Section 1 of the DPA and is obliged to ensure that all of the DPA requirements are implemented.</p> <p>(4) The policy set out the key principles of the DPA and detailed how CHS will meet its legal obligations and requirements to ensure that all data is held and processed in compliance with the DPA.</p> <p>(5) The policy will be reviewed annually or as appropriate to take account of any changes to legislation and/or guidance from Scottish Government and/or the Information Commissioner.</p> <p>(6) Any breach of this policy by CHS employees could be considered as a breach of the CHS Disciplinary Policy. The National Convener will investigate (or appoint a named person to investigate) any breaches of the policy by a National Convener appointed AST member or Panel Member.</p> <p>(7) The policy interacts with the following CHS policies:</p> <ul style="list-style-type: none"> <li>▪ Records Management</li> <li>▪ Records Retention Schedule</li> <li>▪ Information Security (including information breach notification)</li> <li>▪ Business Continuity Plan</li> </ul> <p>(8) and will be supported by additional procedures and checklists. A rolling programme of training for all AST members on Data Protection and Freedom of Information Acts will be implemented.</p> <p>(9) CHS will work closely with volunteer members to support and ensure compliance for this significant group who are not contracted employees.</p> <p><b>Issues arising during discussion:</b></p> <ul style="list-style-type: none"> <li>▪ An assurance was sought on two areas:             <ol style="list-style-type: none"> <li>1. In acknowledging the significant legal responsibilities that fall upon the organisation on 24 June, was CHS prepared for that; and</li> <li>2. Were there sufficient resources around management of the data.</li> </ol> </li> </ul> <p>In response it was confirmed that a temporary Records Manager was in post and had already undertaken a</p>		
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	<p>significant amount of work and would be following a detailed workplan for completion by June 2013 to ensure that all necessary arrangements were in place and all legal obligations met.</p> <ul style="list-style-type: none"> <li>▪ Data protection has been identified as a strategic risk.</li> <li>▪ It was confirmed that Scottish Government guidance restricts CHS from having insurance – this includes insurance against any potential claims.</li> </ul> <p><b>Agreed:</b> To approve the Children’s Hearings Scotland Data Protection Policy.</p>		
11.	<b>Panel Member and AST Member Expenses Policy</b>		
	<p>This item was deferred to the private session of the Board. The paper constituted advice to Ministers and required to be taken in private.</p>		
12.	<b>Research Report: Employer Support for Panel and CPAC Members – Survey Results</b>		
	<p>The Performance and Research Officer, along with the Research Assistant presented the findings of the Employer Survey Report.</p> <p><b>Noted:</b></p> <ol style="list-style-type: none"> <li>(1) The survey explored Panel and CPAC members’ employer-related experiences and to establish how they felt about the level of support received from their employer to carry out their Panel or CPAC activities.</li> <li>(2) The survey was undertaken as an information gathering exercise to provide an evidence base to inform the Board’s Employer Strategy.</li> <li>(3) The findings of the survey included: <ol style="list-style-type: none"> <li>(1) A picture of Panel and CPAC members employment patterns across Scotland</li> <li>(2) Panel and CPAC members views about the level of support offered to them by their employers</li> <li>(3) Thoughts from Panel and CPAC members on how CHS can increase employer support.</li> </ol> </li> <li>(4) The majority of survey respondents were panel members with around three years’ service and the potential to conduct a survey which focused on longer-standing Panel Members may be considered at a future date.</li> <li>(5) The report will be finalised by the end of March 2013 and circulated to Board members.</li> </ol>		

	<p>(6) There has been interest from the “Scotsman” in running an article on the findings.</p> <p><b>Issues arising during discussion:</b></p> <ul style="list-style-type: none"> <li>▪ The need to increase the awareness of the Children’s Hearings System</li> <li>▪ In terms of employees being released for duties, the hearings management work needs to link in – e.g. a half day requests turns into a full day because the hearings schedule has run over time</li> <li>▪ Throughout the survey reference was made to jury duty and that panel membership should have the same weighting and rights as those serving the jury.</li> <li>▪ Ease of leave differs across individual organisations and individual line managers</li> </ul> <p><b>Agreed:</b> The Board to set aside time to consider the recommendations as part of the broader workplan on employers’ engagement.</p> <p>The Board recorded its thanks to the Team for this excellent piece of work.</p>	<p>To be confirmed</p>	<p>Ongoing</p>
<p>13.</p>	<p><b>Research Report: Children and Young People’s Views and Experiences of Children’s Hearings – A Summary</b></p>		
	<p>The Performance &amp; Research Officer, along with the Research Assistant presented the findings of the research report which highlighted the key themes arising from published reports on children and young people’s views and experiences of the Children’s Hearings System.</p> <p><b>Noted:</b></p> <p>(1) The findings will inform the development of the CHS’ research with children and young people.</p> <p>(2) Areas which were a recurrent theme across the twenty-seven research reports reviewed (and one video) included:</p> <ul style="list-style-type: none"> <li>▪ Information provided</li> <li>▪ Levels of understanding</li> <li>▪ Language used</li> <li>▪ Listening/having your say</li> <li>▪ Behaviour</li> <li>▪ Perceived attitudes</li> <li>▪ ‘All About Me?’</li> <li>▪ Feelings before and during a hearing</li> </ul>		

	<ul style="list-style-type: none"> <li>▪ Strangers</li> <li>▪ Feelings after the hearing and hearing outcomes.</li> </ul> <p>(3) The report will be shared with partners and professionals in the Children’s Hearings System and will used to feed into the training programme. It will also be included in the Policy and Practice Manual, a copy of which will be in every Hearing Centre.</p> <p>(4) A research group will be established and there is an opportunity for a Board member to be involved in the work of the group.</p> <p><b>Agreed:</b> The report was a valuable source of information which will feed into the work programme for CHS including linking into organisations working with children.</p> <p>The Board acknowledged and recorded its thanks to the Team for the significant amount of work undertaken to produce this informative research report..</p>		
	<p>The next Board meeting will be held on 15 May 2013 in Edinburgh.</p> <p>The meeting closed at 3 pm.</p>		