

Children's Hearings Scotland

Board meeting

Agenda Item #2

Date of Meeting	15 May 2013
Paper number	CHS 1314-138
Title	Minutes of the CHS Board meeting
Purpose	To approve the minutes
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Classification	Public
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BOARD MEETING MINUTES

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

Present:

Alastair Hamilton, Deputy Chair	Andrew Thin, Board member
Marian Martin, Board member	Brian Baverstock, Board member (9:45 am)
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
 Tom McNamara, Care & Justice, The Scottish Government
 Damian Sherwood-Johnson, Panel and Area Support Team Officer, CHS (10:50 am)
 Shyamali Das-Bharadwa, (minute taker), CHS
 Janis McDougall, (Observer) Executive Support Officer, SCRA

Apologies:

Craig Spence, Chair
 John Anderson, Board member

The meeting opened at 9:30 am.

		Timescale	Action
1.	Declarations of Interest		
	There were no declarations of interest.		
2.	Minutes of Meeting held on 20 March 2013		
	The minutes were agreed as a correct record and approved.		
3.	Matters Arising		
	Budget for 2013-14 The Board had previously approved the budget subject to written confirmation of grant-in-aid and formal written confirmation of approval of carry forward limits to fund the deficit.		

	<p>Noted:</p> <ol style="list-style-type: none"> 1) The Board had approved the budget for 2013-14 subject to a letter for Grant-in-Aid from the Scottish Government agreeing to offset the additional gap of £50k with the underspend from 2012-13 at the meeting of 20 March. As no written confirmation had been received until this meeting, the Board requested a revised budget to be submitted for approval. The Board needs to approve a balanced budget and therefore the budget deficit requires to be addressed. In the absence of any written confirmation for ability to use the underspend, the Board has no option but to reduce its budget to the grant-in-aid level confirmed. 2) Scottish Government confirmed that the required approval had been sought and a written approval was not an approved mechanism for the funds under discussion. As a new organisation, for CHS to arrive at its new functions, working capital could be approved and a certain amount of flexibility would be available. The CHS budget will be reviewed sympathetically based on a robust budget presentation. Due to gaps in information, dialogue will be maintained throughout summer until December 2013 for big spend items e.g. panel member expenses. 3) Working capital is like a cash float or loan and is different from grant-in-aid. The Accountability meeting minutes are available approving the underspend to be used as working capital. 4) A discussion on the underspend will take place at the next Accountability meeting on 6 June. Options will now need to be explored to reduce the budget to the Grant-in-Aid level and for CHS to meet its statutory obligations. 5) There will be difficult choices to make in reducing the budget to the grant-in-aid level confirmed. Hidden costs are now emerging e.g. training, panel expenses, funding of local training and local events. 6) Internal Audit: The Audit & Risk Management Committee had undertaken a 'Risk Appetite' session and this will be re-visited in the light of the budget discussion. <p>Agreed:</p> <ol style="list-style-type: none"> 1) The Board needs to approve a balanced budget. 2) SMT to consider options to reduce the budget and report back to the Board. 3) SMT should consult with the Scottish Government to seek supplementary grant-in-aid. 4) An urgent Board meeting to be convened in early June to discuss the revised Budget. and to receive an update on the Training Contract. 		
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4.	Action Log		
	The action log was reviewed and noted.		
5.	Chair & National Convener/Chief Executive Update and Engagement Update		
	<p>The Chair had sent apologies for this meeting and there was no update. The Depute Chair informed of his attendance at the Inverness AST Induction workshop on 10-11 May.</p> <p>The National Convener/Chief Executive spoke about the report which provided an update on the range of activities undertaken since the last Board meeting referencing in particular:</p> <ul style="list-style-type: none"> • Area Support Teams: Four AST Induction weekends have taken place so far with positive feedback. Members are now more knowledgeable of CHS. The last weekend event on 17-18 May and overall will have been attended by 393 members out of the 430 AST members. <p>The first inaugural AST event took place at West Dunbartonshire on 16 April which was well attended by the Chief Executive, Provost and local authority members. Other ASTs are working towards their inaugural events and promoting panels.</p> <ul style="list-style-type: none"> • Training: the procurement process for training is well under way having started in December 2012. Technical evaluation of the tenders took place on 13 May and further presentations by suppliers will be made on 28 May. The cost of the contract has yet to be determined. It is expected to award the contract in mid-June. The contract will be effective from 24 June and the handover will take place until September 2013. A Contract Manager will manage the contract. The Evaluation process has been robust, conducted by the National Convener, Director of Panel and Area Support, Procurement Manager, Financial Modeller, Advice to Hearings Officer and 2 members from SQA and Skills for Justice respectively. <p>Following confirmation of the contract cost, and in advance of the Board meeting, confirmation will be sought from Scottish Government on approval levels required and in particular whether Ministerial approval will be required.</p> <p>A private meeting of the Board will be convened to update the</p>		

	<p>Board on the training contract and in particular (1) to secure any necessary financial approvals and (2) for the Board to endorse its support for the training contract having received an assurance that it meets the needs of the organisation.</p> <ul style="list-style-type: none"> • Feedback Loop: this will take place in 2 stages. A report on Phase 1 will be provided in 2014/15. A briefing paper has been circulated to local authority Chief Executives to raise awareness about the feedback loop mechanism and its statutory requirements. Positive discussions with ADSW and COSLA have taken place. • Advice to Hearings: the Children’s Hearings Training Units are providing extensive training to the panel community through Conversion training using the Training Resource Manual. CHS is finalising the Practice and Procedure Manual which encompasses the National Convener’s ‘Advice to Hearings’ function with necessary clarifications. • The National Convener and Principal Reporter of SCRA will be making a joint presentation at the Public Bodies Conference on 22 May along with the Scottish Government. • Work with SCRA: SCRA and CHS liaison meetings continue to take place. The review and clarification of Board processes in relation to agenda planning and setting, organisation of meetings, production and sign-off of Board papers and circulation of draft minutes is work-in-progress. The Board will have sight of the paper being prepared to this effect before finalisation. <p>Noted:</p> <p>1) The Director of Panel and Area Support can provide further detail on advice to hearings off-line for the Board members as required. This information will also be provided through the Practice and Procedure Manual and a broader range of advice will be available on the CHS website.</p>		
6.	<p>Director of Panel and Area Support Update</p>		
	<p>The Director of Panel and Area Support gave a verbal update on on-going activity.</p> <p>Noted:</p> <p>1) AST Induction Workshops: Area and Depute Area Conveners of 21 Area Support teams have attended the AST Induction</p>		

	<p>Workshops. The AC and DAC for South Lanarkshire AST have been recently appointed and terms of reference are being finalised. Out of 430 AST members, 393 have attended the workshops including 48 ACs/DACs, 97 Lead and Panel Representatives, 165 Panel Practice Advisors, 23 Learning Development Coordinators, 39 Clerks and 22 local authority members.</p> <p>2) Panel Practice Advisor Training: this training has been scheduled for 7-8 June and 14-15 June at Glasgow and Edinburgh respectively. Joan Rose will be leading on this training along with the Director Panel and Area Support.</p> <p>3) Letters of appointment to all panel members have been sent out in April. There have been a small number of resignations.</p> <p>4) Conversion Training: is being conducted by the CHTOs and members are feeling prepared.</p> <p>5) Panel Member Recruitment: preparation for recruitment of panel members is under way for an advertising campaign in September 2013 for the National Panel. This is being undertaken in consultation with AC/DACs, current panel Chairs and Deputes and Clerks.</p> <p>6) Training: this has been covered at Item 5.</p> <p>7) Core Policies: Work on policies is on track as per milestones. The Handbook will contain core policies with four sections – general information and guidance, history, acts and roles and responsibilities. The core policies to be included would cover expenses, complaints, health and safety, equality and diversity, recruitment and selection, appointments, resignations and removals and Practice and Procedure Manual.</p> <p>8) Resources: Two new posts have been advertised – Practice and Policy Officer who will provide advice to hearings and an Panel and Area Support Team Officer to provide adequate support and communications to the Area/Depute Area Conveners.</p> <p>9) Practice and Procedure Manual: currently being proof-read and will be sent to the printer in the week of 20 May. This is a 160 page document and includes a summary and checklist cards.</p> <p>10) Web Portal: the next meeting is scheduled for 25 May.</p> <p>The Depute Chair acknowledged on behalf of the Board, the significant amount of work being undertaken by the CHS team.</p>		
7.	Complaints Policy		
	The Panel and Area Support Team Officer presented this paper to the Board referencing that the approach to be taken was to adapt and adopt the Model Complaints Handling Procedure (Model CHP) provided by the Scottish Public Services Ombudsman (SPSO).		

	<p>The Public Services Reform (Scotland) Act 2010 (the Act) provided the SPSO with the authority to lead the development model CHPs across the public sector. It is a statutory requirement for bodies to comply with the model CHP. The model CHP applies to all Scottish Government, Scottish Parliament and associated public authorities under the SPSO's jurisdiction in terms of Schedule 2 of the Scottish Public Services Ombudsman Act 2002. Both CHS and the National Convener are listed by the SPSO.</p> <p>Noted:</p> <ol style="list-style-type: none"> 1) A new complaints handling process has been developed based on the SPSO model to simplify the process, increase transparency and accountability and greater local empowerment. 2) The power will be vested in the National Convener and in turn delegated to the Area Convener of each Area Support Team. 3) The level of SPSO interest will be judged on a case-by-case basis. 4) A trial run with Area and Depute Conveners, Panel Practice Advisors and Clerks has provided a positive response in terms of comprehension, simplicity and usefulness. 5) This policy is required to be in place with effect from 24 June. 6) CHS will disseminate the model process to all concerned. Once in place, resource implications will need to be considered for smooth functioning of the process. 7) Minor concerns with regards to the time frames of complaints i.e. 5 days, 20 days, etc. The panel community are not employees and provision of responses within these short timescales may not be practical. CHS is aiming for frontline resolution of complaints within 5 days or for an investigation in 20 days. <p>Issues arising during discussion:</p> <ol style="list-style-type: none"> 1) There was a need for an overarching policy statement to be attached to the document. 2) The complaints procedure should cover complaints about board members, staff and panel members, and will treat all in essentially the same way while recognising that there will be distinctions (links to different disciplinary procedures for example). 3) The CHS complaints procedure should seek at all times to address and resolve complaints at the lowest level possible within the organisational hierarchies. 4) Flowchart provided in the paper requires to be expanded to cover different levels in consultation with SMT. This could be included as an appendix to the high-level flowchart. 5) Board members will review, monitor and scrutinise complaints. 		
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	<p>An annual review of complaints will be scheduled in to the Board planner.</p> <p>Agreed:</p> <ol style="list-style-type: none"> 1) To adopt the SPSO model of the Complaints Handling policy with amendments as noted above. 2) A one page policy statement to be added – to be circulated to Board members for approval. 3) A review of the processes will be conducted in April 2014. 4) Board members to feed in comments to the Director of Panel and Area Support within the next 2 days. 		
8.	PVG Process		
	<p>The Director of Finance and Corporate Services spoke about the process required for CHS to comply with the Protection of Vulnerable Groups (Scotland) Act 2007 (PVG Act) with effect from 24 June 2013. This PVG process replaces the enhanced disclosure scheme required for adults working with vulnerable groups.</p> <p>Noted:</p> <ol style="list-style-type: none"> 1) The 2013 Order requires the following personnel to be part of the PVG scheme – Members of the National Children’s Panel and Area Support Teams; National Convener and individuals with delegated functions of the National Convener, CHS Board members and staff. 2) There are 900 panel members who will require PVG checks to be conducted. CHS is having discussions with Disclosure Scotland and the AST Clerks to manage this process smoothly and complete by October 2015. This process has resource and cost implications. CHS is expecting to undertake about 500 checks in this year with the remainder being phased as part of the budget planning. 3) About 200 members do not have any evidence of disclosure checks. Work is undergoing with the Scottish government and AST Clerks to clarify and reduce this number. For those members who are not able to provide any evidence of checks by 24 June, their names will be removed from the rota. <p>Issues arising during discussion:</p> <ol style="list-style-type: none"> 1) The process was easy to understand and clear. 2) It was the right process to remove members from the rota if evidence of checks is not available as on 24 June. However, it should be ascertained that no single geographical area is likely to be seriously affected if a significant number of panel members remain off the rota for some time. To ensure business continuity, 		

	<p>new applications for these 200 could be submitted and it is expected that clearance would be received within two weeks.</p> <p>Noted: The PVG process was duly noted by the Board.</p>		
9.	<p>Records Management Policy</p>		
	<p>The Director of Finance and Corporate Services introduced this report.</p> <p>CHS recognises that the effective management of its records, regardless of format, is essential in order to support its members, staff, volunteers¹ and functions; to comply with legal, statutory and regulatory obligations; and to demonstrate transparency and accountability for all actions. CHS’ records are a vital information asset and a valuable resource for the organisation and must be managed effectively from the point of their creation until their disposal.</p> <p>The implementation of effective records management systems and practices is at the heart of the Children’s Hearings System. In the spirit of the 2011 Act, it is essential that we focus on removing the inconsistencies in the current system and look to standardise the way in which it operates. Central to this is the way in which the organisation accesses, manages, shares and maintains information.</p> <p>Noted:</p> <ol style="list-style-type: none"> 1) The framework covers the policy, procedures, and data sharing protocols under the new act. 2) In 2014, the policy will be submitted to the CHS landlord (viz. National Records of Scotland). 3) This policy will ensure that the CHS Development and Resource Portal complies with the required Information Governance as per the requirements of the Information Commissioner. All data will be stored on the portal along with a number of reference and information documents. 4) CHS will be inviting the Information Commissioner to perform an Information Governance Audit. <p>Agreed: To approve the Records Management Policy which Board members stated was well set out and easy to understand.</p>		

1. This includes CHS Board Members, AST and panel members, and local authority Clerks.

10.	Information Security Policy		
	<p>The Director of Finance and Corporate Services introduced this report.</p> <p>Information is one of Children’s Hearings Scotland’s (CHS) most valuable assets and must be adequately protected against loss or compromise.</p> <p>CHS will take steps to ensure that information is safeguarded from unauthorised use, modification, disclosure or destruction, whether accidental or intentional. CHS will also ensure that information is available when required to those authorised to access it and that we meet our regulatory and legislative requirements. The requirement to keep information secure will be balanced with the need for CHS, Area Support Teams (ASTs), Clerks to the AST and their teams, panel members and the Children’s Panel to operate effectively.</p> <p>The purpose of this policy is to set out CHS’ approach to protecting our corporate information from information security threats, whether internal or external, deliberate or accidental.</p> <p>The implementation of this policy is important to maintain and demonstrate CHS’ integrity in our dealings with all our stakeholders.</p> <p>Noted:</p> <ol style="list-style-type: none"> 1) 10 CHS Staff have been provided with Data Protection Act Training. The newer staff will be provided with the training shortly. 2) Board members will be invited to undertake mandatory DPA training which staff have already completed. 3) The Performance and Research Officer along with the Records Manager are raising awareness of these requirements amongst the panel community through the induction. A leaflet encapsulating the key requirements has been produced. 4) CHS is keen to develop a culture of reporting data breaches as part of a continuous improvement programme. <p>Issues arising during discussion:</p> <ol style="list-style-type: none"> 1) Does this policy provide sensitivity to different kinds of information being held by CHS? A protective marking scheme clarifying document sensitivity will be used in the Information Asset Register being held and maintained by individual Asset Owners. 		

	<p>2) Further to the Board's attendance at the 'Risk Appetite' workshop on 14 May, the Board felt that the procedures which underpin data security risks will be covered with this policy. One change in the inventory is being undertaken and will be completed shortly.</p> <p>Agreed: To approve the Information Security Policy.</p>		
11.	CHS 2012-13 Q4 Performance and Finance Report (Draft)		
	<p>The Director of Finance and Corporate Services spoke to the draft Performance and Finance Report for Quarter 4 of 2012-13.</p> <p>Noted:</p> <p>1) These draft accounts have been sent to the Auditors, Price-WaterhouseCoopers, and audit commences on 20 May.</p> <p>2) Subject to year-end adjustments, there is a current underspend of £96k against grant-in-aid of £1.25m. This underspend is under discussion with Scottish Government requesting offset for 2013-14 on account of certain delayed activities, e.g. document printing, web portal. The actual underspend is £37k out of which £27k is for Board remuneration and expenses (this underspend relates to timings around new Board members joining and timing of board activities) and £10k for the tablet project.</p> <p>3) On the Performance Report, all eight projects are on track and one key milestone (out of 49) is on amber.</p> <p>Noted:</p> <p>1) An end of year Performance Report with a comparison of the last four quarters of CHS performance will be brought to the next Board meeting.</p> <p>Agreed: To approve the draft Q4 Performance and Finance Report.</p>		
12.	CHS Board Member Roles 2013-14		
	<p>This item was deferred to the next meeting as the presence of the Chair would be required for the discussion.</p>		

13.	CHS Project Exceptions & Risk Report and Readiness Report for 'Go-Live'		
	<p>The CHS Project Exceptions and Risk Report is a single reporting tool for both the Programme Board and the CHS Board providing milestones at a glance.</p> <p>Noted:</p> <ol style="list-style-type: none"> 1) A separate Training Risk Register will be created once training is in place. 2) This is a live document and a useful process and tool for the fortnightly reporting to the Programme Board. A few items are on Amber alert but will not impact the delivery of 'go-live'. 3) Focus remains on Business Continuity to ensure a smooth transition until six months past 'go-live'. 4) Feedback Loop: the next stage is still work-in-progress. Current work is around raising awareness and information sharing; communications with local authorities; meeting with Directors of Social Work to manage the process; sensitivity around compulsory supervision orders; and report to Parliament on how CHS will handle this information. 5) Some of the programmes within the monitored areas will be revisited with a management approach. By September 2013, the status will change with reprioritisation. 6) A high-level communication plan for Scottish Government, CHS and SCRA was approved at the last Programme Board meeting on 25 April. The next Programme Board is scheduled for 30 May. <p>Discussion:</p> <ol style="list-style-type: none"> 1) In terms of partnership working, there are on-going discussions with COSLA, ADSW and the Care Inspectorate with regards to the requirement of local authorities having a duty to implement panel decisions. A briefing sheet will be sent out to all those concerned shortly. The Board will be updated thereafter. <p>Agreed:</p> <p>To note the Project Exceptions & Risk Report and Readiness Report for 'Go-Live'.</p>		
14.	AOCB		
	<p>Noted:</p> <ol style="list-style-type: none"> 1) 'Go-Live' Event: No big event has been planned. The Children's team of the Scottish Government will continue to support CHS. 		

	<p>2) The programme of Board meetings will be reviewed to ensure that it fits with the business needs of the organisation.</p> <p>Agreed:</p> <p>1) To remove the 24 June date for a Board meeting.</p> <p>2) A Board meeting to be fixed for early June to allow the Board to consider (1) the revised budget and (2) the training contract. (Meeting to be scheduled for one hour).</p> <p>3) A meeting of the Board to be convened in August (to be scheduled for maximum of three hours).</p>		
	<p>The meeting closed at 12:36 pm.</p> <p>The next Board meeting will be held in early June 2013 in Edinburgh, details of which are to be finalised.</p>		