

Minutes of the Board meeting of 16 December 2014

The meeting started at 15.07.

Present:

Garry Coutts, Chair (from 15.13)
 John Anderson
 Marian Martin
 Linda Watt

Alastair Hamilton, Deputy Chair
 Brian Baverstock
 Andrew Thin

Also present:

Boyd McAdam, National Convener/Chief Executive (NC/CEO), CHS
 Joe Campbell, Interim Director of Finance and Corporate Services (IDoFCS), CHS
 Franck David, Executive Assistant (minute taker), CHS
 Fraser Thompson, Performance and Research Officer, CHS
 Maggie McManus, Director of Support Services, SCRA
 Tom McNamara, Head of Youth Justice & Childrens Hearings, The Scottish Government

The Deputy Chair welcomed everyone to the meeting in the absence of the Chair who had been temporarily delayed.

Items		Actions / owner	Time-scales
1	Declaration of interests		
	None.	N/A	N/A
2	Minutes of previous meeting		
	The Board agreed to approve the minutes of its meeting on 29 October 2014.	N/A	N/A
3	Audit and Risk Management Committee (ARMC) reports		
	<p>1) Summary of discussion and/or issues raised—</p> <ul style="list-style-type: none"> • At its last meeting on 18 November 2014 the ARMC had asked that two new risks be added to the strategic risk register: <ul style="list-style-type: none"> ○ Lack of current capacity and resilience across the CHS team. A number of business activities had slipped due to unplanned staff absence although it was noted that the Executive team had taken steps to remedy to the situation by securing additional support 		

	<p>from SCRA for a temporary period of time. However, a surge in complaints and Subject Access Requests had put additional and significant pressure on staff's workload.</p> <ul style="list-style-type: none"> ○ Relationship and effective working with ASTs. The aim of allowing more local leadership with the need for NC/CHS accountability was a delicate balance to reach. ● There was visible progress in managing the training contract for panel and AST members. ● The formal written report from the Information Commissioner's Office (ICO) had been received in September and highlighted some areas for concerns. A response from the Executive team to the report would be considered by the ARMC at its meeting in February 2015. However, there was a clear sense that, should similar events occur in the future i.e. security breaches from panel members, the ICO would not be as supportive as they had been during their recent investigation of security incidents. The Board made it very clear that data security was, and should remain, everyone's responsibility. The e-learning package would be available in early 2015 as part of the training to panel members and would cover information security. <p>2) Decisions—</p> <p>The Board agreed to—</p> <ul style="list-style-type: none"> ● note the update of the ARMC meeting on 18 November ● note the minutes of the ARMC meeting of 19 August. 	<p>Report to ARMC in February</p>	<p>NC/CEO</p>
<p>4</p>	<p>Matters arising</p>		
	<p>None discussed.</p>		
<p>5</p>	<p>Action log</p>		
	<p>1) Summary of discussion and/or issues raised—</p> <ul style="list-style-type: none"> ● Item 4 – support to panel/AST members exposed to social media. A policy decision was required and the issue would be discussed at the Contract Management Group meeting in January. ● Item 6 – recruitment of male panel members. Meetings were planned in early 2015 to go through the impact of the 2014 recruitment exercise, the response rate by men and the extent to which there was evidence that sufficient and adequate effort had been made to attract male panel members. If so, consideration could be given whether an approach could be made for formal approval for a male targeted recruitment campaign in 2015: the number of male panel members remained below a sustainable 	<p>NC/CEO IDoFCS</p> <p>NC/CEO IDoFCS</p>	<p>06.01.15</p>

	<p>level.</p> <p>2) Decision—</p> <p>The Board agreed to note the action log.</p>	<p>NC/CEO</p>	<p>20.01.15</p>
<p>6</p>	<p>Chair update</p>		
	<p>1) Summary of discussion and/or issues raised—</p> <ul style="list-style-type: none"> • Since the last meeting, the Chair had continued to meet with panel and AST members throughout the country to observe hearings and attend AST meetings. A recent meeting in East Renfrewshire had highlighted excellent work on a pilot on Permanence. • The feedback from panel members on the training was very good, as was from ASTs who described the training as producing quality panel members. • Individual Board members will build in to their schedule the events they will attend and will inform the Executive Assistant. An AST calendar in CHIRP was being developed as resources available within CHS permitted. <p>2) Decision—</p> <ul style="list-style-type: none"> • The Board agreed to note the Chair’s update. 		
<p>7</p>	<p>Chief Executive update</p>		
	<p>1) Summary of discussion and/or issues raised—</p> <p>The NC/CEO introduced the paper.</p> <ul style="list-style-type: none"> • The last AST Forum meeting was on 26 September and since, the NC/CEO had fed back to the ASTs the summary of the discussion about the future shape and purpose of the Forum. The NC/CEO had undertaken to issue a consultation paper to ASTs by the end of the year on how CHS might move forward with the Forum. A meeting between the NC/CEO and the ACs or their representatives was envisaged towards early February to discuss options. • The NC/CEO had attended the plenary meeting of the Children’s Hearings Improvement Partnership (CHIP) led by the Scottish Government. The group involves a wide range of partnership organisations coming together to look at how the system as a whole might be improved from the point of considering a referral to the ending of a Compulsory Supervision Order (CSO). • The Chair of the Board and the NC/CEO had discussed progress on the 		

	<p>Feedback Loop when they met the Minister for Children and Young People in November. The Minister had reinforced the importance of progressing the reporting on implementation of CSOs and outcomes. A key element for success was to liaise with local authority AST representatives to reiterate individual councils' vital role in this exercise.</p> <p>2) Decisions—</p> <p>The Board agreed—</p> <ul style="list-style-type: none"> To invite the Deputy Director of Care & Justice at the Scottish Government to provide an update on CHIP at the meeting on 20 January 2015. To note the update. 	<p>Invite Robert Marshall</p>	<p>w/c 05/01/15</p>
8	CHS Risk Management Policy		
	<p>1) Summary of discussion and/or issues raised—</p> <ul style="list-style-type: none"> At its meeting on 18 November the ARMC reviewed and endorsed the revised policy. Following that meeting, the Chair to the committee provided a few detailed comments which were highlighted in the paper before the Board. It was recognised that the next challenge was now to embed the policy, including to ASTs. The Board commended the policy and agreed that it was a valuable educational tool that would be useful to CHS staff. <p>2) Decision—</p> <ul style="list-style-type: none"> The Board agreed to approve the policy as endorsed by the ARMC. 		
9	Finance report – 8 months to 30 November 2014		
	<p>1) Summary of discussion and/or issues raised—</p> <ul style="list-style-type: none"> It was reported that the actual spend to date was £2,206,000 which represented a favourable variance of £89,000 against budget. The favourable variance was mainly timing and a reforecast had been undertaken which showed a projected saving of £121,000 for reallocation after unbudgeted commitments had been met. The closing bank balance at 30th November was £544,260 and the cumulative grant in aid drawn down from the Scottish Government was £2,123,000. the increased activity at the local AST level following the introduction of 		

<p>devolved funding was likely to be contained within the overall expenses budget of £794,000.</p> <ul style="list-style-type: none"> • An accrual of £123,597 was made in the 2013/14 Accounts for 2013/14 due to the uncertainty of the first year of panel/AST members' expenses claims. To date, less than £20,000 had been claimed against this accrual and the IDoFCS advised that it would be prudent to release £100,000 as a projected saving for reallocation. • Re. support for Hearings, a saving of £39,000 was projected due to lower activity this year and more competitive sourcing of venues for AST Forums. • At a recent meeting with Scottish Government officials, a plan had been agreed to reduce CHS working capital reserves from £320,895 to circa £70,000 by 31st March 2016. In doing so the executive team should satisfy themselves that the proposal to spend was compatible with the framework agreement. As part of the plan, CHS would: <ul style="list-style-type: none"> ○ return £100,000 of the working capital reserves to the Scottish Government ○ retain circa £70,000 as working capital reserves ○ spend the remaining £150,000 by 31st March 2016, with up to £50,000 in 2014/15 if possible and the balance circa £100,000 in 2015/16. • The Board congratulated the Interim Director of Finance and Corporate Services for demonstrating an increased financial control. The latter confirmed that he was keen to pursue and develop working relationships with clerks to encourage panel members to submit their expenses timeously. <p>2) Decisions—</p> <p>The Board agreed—</p> <ul style="list-style-type: none"> • to approve the reforecast as at 30 November 2014 • to approve the reallocated spend proposals of £171k for the current financial year • that a meeting between the Chair, NC/CEO and the Scottish Government should be scheduled to discuss CHS working capital reserve • to note the report. 	<p>SMT to discuss management of gja with SG</p>	
<p>10</p>	<p>Business Plan – Q3 update</p>	
<p>1) Summary of discussion and/or issues raised—</p> <ul style="list-style-type: none"> • 51 activities were in the Business Plan out of which 36 (70%) were complete/on target, 5 (10%) were likely to be partially achieved by 31 March 2015 and 10 (20%) would be reprioritised to be carried out as part of the 2015/16 Business Plan. It was noted that the latter activities may 		

	<p>present a challenge as they would come on top of other activities in the 2015/16 Plan. However, none of the activities to be reprioritised were deemed to be business critical. The Executive team confirmed that the process it would adopt was to assess which activities would be in the new Plan would be risk-based including assessment of priorities and resources.</p> <ul style="list-style-type: none"> • The Board supported the Executive’s pragmatic approach to reprioritise activities and update the Business Plan to reflect those activities that would be delivered on in the 2015/16 Plan. <p>2) Decisions—</p> <p>The Board agreed to—</p> <ul style="list-style-type: none"> • approve a reprioritisation of a number activities in the 2014/15 Business Plan • note the Quarter 3 progress report. 	<p>SMT to reprioritise</p>	
<p>11</p>	<p>AST/Panel member survey</p>		
	<p>1) Summary of discussion and/or issues raised—</p> <ul style="list-style-type: none"> • On 4 April 2014, CHS published the “Survey Findings and Action Plan” which had set out the key themes emerging from the survey. It also outlined CHS’ commitment to engaging more with its key stakeholders and to replicate the engagement survey in future years. • The paper recommended a change in the corporate language of the organisation to convey a stronger sense of identity for volunteers as well as belonging to CHS. “CHS Community” would refer to panel/AST members, clerks and the Board of CHS. “CHS National Team” would comprise of the national convener and the staff at Ladywell House and West Lothian College would be referred to as the “Children’s Hearings Scotland Training Unit”. • The Board asked to be given more visibility in the revised corporate language and it was explained that the Board was explicitly referred to as part of the CHS Community. • The survey to the CHS community would start on 18 December. <p>2) Decisions—</p> <p>The Board agreed to approve—</p> <ul style="list-style-type: none"> • the design of the survey • that a reference to the Board should be included in the National Team • the modification of the corporate language 	<p>PRO to update the survey</p>	

12	Children and young people's engagement strategy		
<p>1) Summary of discussion and/or issues raised—</p> <ul style="list-style-type: none"> • CHS has statutory responsibilities to involve young people with experience of the Children's Hearings System in its work; specifically in the development and delivery of panel member training as well as the selection process for appointment to the post of National Convener. Although CHS already involved young people in some areas of its work, other areas were being considered and discussed with partners. • The Board recommended engaging with children and young people who were outside as well as within the Hearings System. <p>2) Decision—</p> <ul style="list-style-type: none"> • The Board agreed to approve the direction of travel for the development of the strategy and its plans for implementation. 			
13	Review of expenses policy and rates for panel and AST members		
<p>1) Summary of discussion and/or issues raised—</p> <ul style="list-style-type: none"> • When CHS had developed the expenses policy in 2012/13 it had committed to reviewing it after the first year of its operation. CHS had surveyed the clerks to the ASTs to inform the review process and the return had highlighted 3 key areas for change: <ul style="list-style-type: none"> ○ Child and dependant rates ○ Reimbursement for unregistered care costs ○ Further guidance for loss of earnings claims • Subsistence, loss of earnings allowances and mileage rates had been assessed as adequate and no change had been recommended. Loss of earnings allowances mirrored those of most local authorities and the Scottish Government, and current mileage rates reflected the taxation thresholds set by HMRC. • Based on the clerks' returns between June 2013 and June 2014: <ul style="list-style-type: none"> ○ 117 claims were made for child or dependant care ○ Approximately 93 claims were for registered care and approximately 24 for unregistered care ○ Total costs for care claims were £2,704.87 (not including two areas where costs were unknown) ○ Panel members in some areas had expressed concern that the rate was too low and did not reflect actual care costs in their areas ○ Average actual costs of child care varied across the country from £2.41 to £20 per hour. ○ Average actual costs of dependant care varied from £3.33 to £4.50 			

<p>per hour.</p> <ul style="list-style-type: none"> • There had been a noticeable increase in the number of claims for loss of earnings in the past mainly from volunteers who were self employed <ul style="list-style-type: none"> ○ 297 claims for loss of earnings were received ○ Total costs of loss of earnings claims were £32,455.42 (not including two areas where costs were currently unknown) • Currently the procedure for paying loss of earning for volunteers who were self-employed was on receipt of confirmation provided by their accountant. The Board supported the recommendation that, for audit purposes, volunteers who would make a claim for loss of earnings should sign a declaration that volunteering resulted in a loss of earnings. The declaration would be drafted by CHS to ensure consistency. • The current national rate of £3.75 per hour for child and dependant care had been assessed to be inadequate in many cases and was proving to be a barrier to some volunteers. The Board agreed with the recommendation that the rate should increase to £5 per hour or the actual hourly rate if lower. The Board also discussed whether CHS should reimburse a higher hourly rate for child and dependant care rates on an exceptional basis where it could be clearly demonstrated that the childcare costs in that area exceeded £5 per hour. The IDoFCS advised that this would have minimal impact on the budget as the number of claims was small. The Board supported this recommendation. • The Board asked for confirmation of whether it was acceptable to continue reimbursing unregistered care costs on an <i>exceptional basis</i>. The preference was for all care to be provided by registered carers. There was however, some evidence that some volunteers had difficulties to access registered childcare in their areas, particularly in rural areas, and at short notice or outwith normal working hours. • There was a discussion to clarify that the rate of panel members' expenses was subject to Scottish minister's approval whereas the rate for ASTs' was determined by the Ministers. 		
<p>2) Decisions—</p> <p>The Board agreed—</p> <ul style="list-style-type: none"> • That a paper should be submitted to the ARMC in February to clarify the background, including risk exposure to CHS, of reimbursing care costs to unregistered child minders and detail any work needed. • That Internal Audit's views should be sought regarding the robustness of the declaration form for self-employed volunteers and brought to the ARMC for approval. • To approve the revisions to the policy subject to further input from the ARMC at the meeting in February 2015. 	<p>IDoFCS</p> <p>IDoFCS</p>	<p>17.02.15</p> <p>January 15</p>

14	Children’s Hearing Scotland Training Unit – Year One Review		
<p>1) Summary of discussion and/or issues raised—</p> <ul style="list-style-type: none"> • The Chair said that the feedback he had received from ASTs re. the training had been very positive and that CHS would review the contract after the new year. Despite this positive picture, it was important to understand concerns when they were expressed. • The delivery of national core training on Contact and Permanence had started in September 2014 with 26 courses delivered to 570 panel members. The rollout continued into quarter four of 2014. Feedback from the vast majority of participants had been positive and they found the training worthwhile. • The Board reiterated that the good working relationship with the CHS Training Unit was key to success. <p>2) Decisions—</p> <p>The Board agreed—</p> <ul style="list-style-type: none"> • That CHS will develop a template for the CHS Training Unit to report to the Board • To note the report. 		IDoFCS	January 15
15	Training contract – retention of regional offices		
<p>1) Summary of discussion and/or issues raised—</p> <ul style="list-style-type: none"> • Under the terms of their successful tender, West Lothian College (WLC) had proposed to close on 30th June 2015 the 4 regional offices that had been established under the previous contract and occupied by the CHS Training Units. The contract stated that administration would be centralised and delivery staff would move to a home office set-up as per the WLC workforce development delivery team. However, although office space had proved expensive and overspends had been incurred and absorbed by the College, there continued to be a strong case for keeping the three regional offices in Glasgow, Dundee and Inverness open. The Edinburgh office had been relocated to WLC after the contract had commenced. The financial cost involved to keep the 3 offices open over 015/16 would be £12k and £8k between 2016/17. Should the option to extend the contract term by two years was exercised, the annual additional cost of keeping the three regional offices opened would be £16,200 per annum. The cost would be shared between CHS and the CHS Training Unit. 			

<p>2) Decisions—</p> <p>The Board agreed—</p> <ul style="list-style-type: none"> • To approve the retention of the 3 regional offices and to increase the contract value to meet the additional cost of £20k from 1 July 2015 to 30 September 2016. • For a paper summarising all change controls issued to be reported to the next Board meeting. 	<p>IDoFCS</p>	<p>20.01.15</p>
<p>16</p>	<p>AOB</p>	
<p>Andrew Thin announced that he had taken the decision to step down from the Board of CHS due to a high level of commitments. The Chair thanked Andrew for bringing a tremendous experience and insight of public services and making a significant and positive contribution to the work of the Board and of CHS. This was unanimously supported by the Board.</p>		
<p>The Chair thanked everyone for their contribution.</p> <p>The next Board meeting will be on 20 January 2015, Edinburgh.</p> <p>The meeting closed at 16.36.</p>		