Disclosure Scotland Board
Minutes: Wednesday 18 January 2023, 10:00 am to 13:00 pm
Pacific Quay and Microsoft Teams

Present:

Gerard Hart	Chief Executive, Chair
Laura Mccluskey	Deputy Chief Executive – Business Strategy
Kenny Birney	Deputy Chief Executive - Digital Strategy
Lynne McMinn	Director of Policy, Customer Engagement, Communications and Finance
Nicola McBain	Director of Chief Executive Office
Kathleen McInulty	Director of Safeguarding
Douglas Hutchens	Non-Executive Board Member (DH)
Keith Rosser	Non-Executive Board Member (KR)
Christopher Wroath	Non-Executive Board Member (CW)
Alistair Sim	Non-Executive Board Member (AS)
Stephanie Glavin	Non-Executive Board Member (SG)

Attending:

[redacted]	Head of Corporate Governance
Michael Chalmers	Director of Children and Families
[redacted]	Senior Communications Manager
[redacted]	Head of Change Management
[redacted]	PMO Co-Ordinator

Secretariat:

[redacted]	Governance manager

Welcome and introductions

1.   The Chair welcomed everyone to the meeting, and introduced two new interim Board Members, Alistair Sim and Stephanie Glavin.

2.   Members were advised these are interim appointments until the formal Board Member recruitment process has been concluded.

3.   All attendees took the opportunity to welcome the new interim Board Members and provided introductions.

Declaration of interests

4.   None.

Previous minutes and actions

5.   DH noted that the previous minutes did not record input from Non-Executive Board Members on item 7. NM advised that changes will be made to draft minute.

6.   Updates on the following actions were given:

- **action/03/May:** provide Business Continuity Plan to Digital Advisory Panel once endorsed by the Leadership Team

  update: current Business Continuity Plan has been reviewed by Director of Chief Executive Office. Desktop exercise is scheduled for early 2023. Plan will be further informed by that exercise, then shared with Leadership Team prior to sharing further with the Board.

- **action/04/September**: paper on staffing strategy for the future to be brought to the Board in due course (Digital)

  Update: plans for restructure now at advanced stage with implementation pending.

- **action/03/October**: Deputy Chief Executive – Digital Strategy to consider the use of commercial partnerships for the Digital Team

  Update: report now created by specialist consultant, to be considered by Leadership Team with future report to the Board

- **action/02/December**: Director of Chief Executive Office and Head of Governance to review the skills gap for the Non-Executive Board Members

  Update: two new Non Executives have started and skills matrix will be updated. recruitment will begin in early 2023. **Closed**

- **action/03/December**: Ad-Hoc Board Workshop to be held in January/early February, to provide all Board Members an opportunity to feed in on how we operate our KPI's

  update: on-going. Workshop to be set-up.

- **action/05/December**: Terms of Reference - Director of Policy, Communications and Customer Engagement's title to be updated to include Finance
  - Board to be called non-executive members not directors.
  - Under Board ad-hoc discussion – Board to be called non-executive members not directors
  - Stuart Smith to be removed in January and two new non-executive board members to be added.

  Update: all updates completed. **Closed**

- **action/06/December**: Reports to be shared, once available relating to Release Management and Platform Engineering

  Update: work on-going and expected to be completed in February.

Horizon scanning

7. The Chair explained that this agenda item is an opportunity for members to think about anything that could impact the organisation.

8. DH asked how the Gender Reform Bill has impacted the organisation, due to the amount of interest and parliamentary questions this will raise.

9. The Director of Policy, Customer Engagement, Communications and Finance advised that there has been a steady stream of enquiries from Ministers since the Bill was first discussed and Disclosure Scotland continue to answer these factually.

10. Changing gender does not have an impact on what Disclosure Scotland does, which is to match people to criminal records.

Chief Executive update

11. The Chief Executive provided an update on performance, advising that the Service Level Agreement for PVG applications maintains a consistent turnaround of five to six days.

12. Good progress continues in other areas also and the Scottish Courts and Tribunal Services (SCTS) portal is now up and running. The Director for Safeguarding added that the new portal has had a positive impact in terms of our processes. Staff are able to access court information via the portal to find out if a case has gone to trial or a deferred sentence has been given. This has cutdown in email traffic and positively impacting casework activity for Disclosure Scotland.

13. The Deputy Chief Executive – Business Strategy, noted that Scottish Government are very keen for organisations to take a collaborative approach to which, traditionally saw organisations working on silos to share information across departments. This collaboration puts Disclosure Scotland on the front foot and sets the precedent for others to follow.

14. The Chief Executive, added that this can also be seen with the collaboration between Disclosure Scotland and Digital Identity Scotland.

15.   The Chief Executive moved on to discuss the improvements being made between Phoenix and the Protection Unit Case Management System. The new digital capability, which is due to go live at the end February/beginning of March, will reduce the requirement for manual intervention.

16.   In addition, work has been ongoing to streamline and reduce the content of the correspondence that is sent when informing a person why they are unsuitable to work with children and/or protected adults. This approach allows us to explain why the decision has been taken, in a way that can be understood and using plain English.

17.   Discussions moved on to projects and the new governance groups. The Chief Executive advised that the new Programme Boards will be chaired by the Senior Responsible Owners, this will provide a more collaborative approach across the different programmes and projects. Independent sources of advice, such as Non-Executive Board Members will be crucial in providing an additional reporting function to the Chief Executive.

18.   The Chief Executive then went on to discuss savings that have and can be made in response to the recent announcement in reduction of spending from government.

19.   Further work on saving continues with the exploration on the use of robotics within various systems. DH asked that benefits of this be closely monitored so we have a picture of before and after relating to savings made.

20.   KR noted that there was no Finance paper provided for this meeting and that it would be helpful to have this at the next Board meeting, to assist with cost saving discussions.

21.   The Board were advised that a new and improved Finance paper is in development, that will allow for greater discussion at the next meeting. Board member SG noted their interest in providing assistance developing the cost savings report and noted interest in how financial governance was integrated within the projects.

22. **Action/01/January:** Head of Finance to work with SG on comparing unit costs before and after savings made.

23. **Action/02/January:** New Finance paper to be made available for next Board meeting.

24. Hybrid working remains positive, with a thirty percent average of the organisation, occupying the building at any one time. The Deputy Chief Executive – Business Strategy, added that the use of the space is business driven with operational capacity sitting at around eighty percent of staff working in the building.

25. The Director for Chief Executive Office added that more information on hybrid working has been gained via the People Survey and staff engagement sessions held.

26. Board Member CW, highlighted that within the Performance paper 2, agenda item 6, that the average number of working days lost for the organisation is higher than the previous year by 2.9 days, and higher than main Scottish Government.

27. It was noted that while the average working days lost was higher than the previous year. Productivity is higher than when the average working days were less. Also these numbers were comparable with other delivery bodies.

28. DH noted that hybrid working allowed us to enhance our diversity (people with disabilities etc.) and expand the scope of people that could apply based on location.

29. The Director of Director of Policy, Customer Engagement, Communications and Finance advised the Board that the Head of Finance will be retiring at the end of April.

30. The Chief Executive thanked the Head of Finance for his service.

Performance update

31.   The Deputy Chief Executive – Business Strategy, noted that this item will soon be replace by the balanced scorecard and advised that a draft version of this is shared at the end of the paper.

32.   The Deputy Chief Executive – Business Strategy, noted that performance in operations is still high, Protection Unit performance has highlighted that further investment in that area is needed and that we are still operating within our forecasted budget.

33.   KR noted that the this is the longest consistent period of positive performance levels.

34.   CW stated that he accepts that the balance scorecard is a work in progress and wanted to note that the positioning of the social media section feels out of alignment.

35.   The Chief Executive noted the KR is going to be more involved in our stakeholder engagement going forward, as he wants us to be open and communicative with organisations that access our services.

36.   The Deputy Chief Executive – Business Strategy, stated that we received the beginnings of a TOM in the summer. However as we are going through a period of transformation, our TOM may have to be less qualifiable for next couple of years until we know what the landscape will look like.

37.   The Deputy Chief Executive – Business Strategy, advised members that the results of our customer survey will be provided at the ad hoc Board session on KPI's.

Strategic session

38.   The Chief Executive, noted that after feedback from DH and KR in December 22 on how the Board is working including the good relationships that have been developed, they feel there is still improvements needed to allow for meaningful challenge at the Board. They also felt that some Board papers were too long, although clearly at a high standard.

39.   The Chief Executive, stated that he needs assurance, through discussions at the Board. This new standing item will allow time to focus on strategic conversation with Board members.

40.   The Director of the Chief Executive Office, updated the Board on some changes to the agenda to align with what the Chief Executive is looking for from the Board.

41.   The Director of the Chief Executive Office then clarified how we will present the Strategic Sessions, a cover paper will be required alongside a presentation for discussion on the day.

42.   AS stated that he felt the changes were a great idea. He will appreciate a better understanding on the implementation of the Disclosure Act 2020.

43.   DH noted, in NES is a governance section to board meetings. Most of what we see on agenda today would be covered in governance section and then we would have strategic session allowing for more open discussion and strategic challenge. The Chief Executive agreed.

44.   KR noted his support for splitting the agenda. A big theme for him is what Disclosure Scotland in the future looks like and the role it plays in wider society.

45.   DH, noted that we should see the Board Members as critical friends and providing a constructive challenge.

46.   The Deputy Chief Executive – Digital Strategy, sought that the session allows for more time debating the future, rather than evaluating that which has already happened.

Change delivery and assurance update

47.   The Director of the Chief Executive Office, shared the highlight report that was a view across the Disclosure Scotland change portfolio. She noted that overall we remain as amber, we are working on key aspects of delivery and we feel confident that we can return to green.

48.   The Director of the Chief Executive Office, advised that the Leadership Team collaboration sessions on a Thursday for project teams such as Protection Unit Case Management System and the Online Portal have been successful in allowing projects to showcase their work and allowing for advice from the Leadership Team.

49.   The Director of the Chief Executive Office, noted that the key blockers currently include engagement with ITECS. This will continue to be a challenge, but we are improving our understanding of key dependencies in this area so future plans can be better understood.

50.   The Director of the Chief Executive Office, advised that the Risk and Assurance Lead is engaging with the Digital Assurance Office on various external assurance activities. A gateway review will be scheduled in due course and an assessment will be undertaken on the Online Portal to support is launch.

People Survey

51.   The Director of the Chief Executive Office, noted that following last year's results we set up a People and Communications Engagement Network to review the results, formulate an action plan, and monitor progress. A summary of the key results were provided along with comparison with the wider Scottish Government scores. She noted that for pay and benefits Disclosure Scotland has no control as this is a Scottish Government policy, and the decrease in this score mirrored across Scottish Government.

52.   Disclosure Scotland had a response rate of 79%, this was 1% lower than in 2021, however, this does compare favourably with the response rate for Scottish Government of 73%. Our engagement index score was 65%, which is a decrease of 1% on our 2021 score of 66%. Local level engagement scores range from 58% to 71%. Key themes of Leadership and Managing Change continue to improve, but further work is needed on areas including Learning and Development. The People and Communications Engagement Network will formulate an action plan based on the results and improvement activity is also already evidence within local areas such as the Protection Unit who have started a skills audit.

53.   The Director of the Chief Executive Office, opened the session up to Board members for feedback and comments.

54.   KR noted, that pay and benefits is on a downward trend across the board for SG and he is finding the same situation in the private sector.

55.   DH requested a "you said we did" breakdown on the previous year's report. The Director of the Chief Executive Office noted that prior to this years survey going live, the Communications Team undertook a number of exercises focused on just that, so staff can see the work taken forward on key themes. This will continue into this year.

Digital update

56.   The Deputy Chief Executive – Digital Strategy, noted that he had made some changes to the report based on constructive feedback at the previous Board meeting.

57.   The Deputy Chief Executive – Digital Strategy, advised that for Protection Unit Case Management System we are on track to deliver and that this is stepping stone with many more opportunities to enhance the digital services within the Protection Unit.

58.   DH noted that this is generally positive and asked what financial efficiencies we will see from this work. The Deputy Chief Executive – Digital Strategy, noted that we are looking at roughly a 40% reduction already in our web services costs.

59.   The Deputy Chief Executive – Digital Strategy, advised that with the Online Accounts project we are still on schedule to deliver at the end of February. The Identity and verification technology is provided to us from Scottish Government and is new and novel. He also advised that IT health checks will take place now and when we move into private beta.

60.   The Deputy Chief Executive – Digital Strategy, noted that the automation project within the vetting side of Disclosure Scotland can afford us more than we initially thought, this work has progressed ahead of time.

61.   The Deputy Chief Executive – Business Strategy, noted the importance of this automation work as only 7% of applications have something to disclose. This is viewed as a scalable project and is the start of a culture shift.

62.   The Deputy Chief Executive – Digital Strategy, advised that the finance system project was delivered before the festive break and although we found some bugs the team are working on these.

AOB

None

Date of next meeting: 22 March 2023.

Actions	Responsible	Due by	Status
Action/03/May: provide Business Continuity Plan to Digital Advisory Panel once endorsed by the Leadership Team.	Director of Chief Executive Office	30 September 2022	**25/08/2022:** Business Continuity Plan continues to be worked on, led by the Chief Executive's Office, but in collaboration with other parts of the business including Digital Directorate. Once review is completed this will be presented to DAP.

12/10/2022: A Business Continuity flu action plan is being drafted and will be presented to Leadership Team. This will be included as an annex to the main plan.

25/10/2022: Flu action plan presented to the Leadership Team and added to the main plan. Main plan continues to be updated.

18/11/2022: Draft of plan being reviewed by Director of Chief Executive Office, Head |

Actions	Responsible	Due by	Status
			of Governance and Governance Manager in the next couple of weeks. Head of Governance and Governance Manager working with Information Security Analyst on desktop exercise and exercise of Disaster Recovery plan to be carried out in January. **Update 09/01/2023:** Current BCP has been reviewed by Director of Chief Executive Office. Desktop exercise is scheduled for later in January. Plan will be further informed by that exercise then shared with Leadership Team and update paper to Board in March. **Update 13/03/2023:** Delays due to staff absence, but session scheduled for Leadership Team in May.

Actions	Responsible	Due by	Status
Action/04/September: Paper on staffing strategy for the future to be brought to the board in due course.	Deputy Chief Executive (Digital)		**16/10/2022:** Paper being progressed and will be brought to Board in due course. **24/11/2022:** Ongoing. Planning for Digital Re-Structure underway. This will be fed into workforce planning group before being published. **Update 10/01/2023:** Plans for restructure now at advanced stage with implementation imminent. Workforce planning group operational and Digital engaging to ensure sustainable staffing model. **18/03/2023:** Requirement has evolved and Digital workforce planning will be part of the work of the workforce planning group and presented to the board as a holistic organisational picture. Suggest closing this

Actions	Responsible	Due by	Status
			action down (I will explain if needs be to the board)
Action/03/October: Deputy Chief Executive (Digital) to consider the use of commercial partnerships for the digital team.	Deputy Chief Executive (Digital)	30 November 2022	**24/11/2022:** Active work by consultant being carried out. **Update 10/01/2023:** Report now created by specialist consultant, to be considered by LT with future report to the board. **18/03/2023:** Strategy still under refinement within Digital and to be considered by LT imminently
Action/03/December: Ad-Hoc Board Workshop to be held in January/early February, to provide all Board Members an opportunity to feed in on how we operate. With an aim to bring the	Deputy Chief Executive – Business Strategy	6 February 2023	**Update 10/11/2023:** Ongoing, workshop to be set up 13/03/2023: KPI Board session held and feedback is being added to the project output.

Actions	Responsible	Due by	Status
Target Operating Model for sign off at March's Board Meeting			**Closed.**
Action/04/December: Present data on the average working days lost at the next Board meeting	Deputy Chief Executive – Business Strategy	18 January 2023	**Update 10/01/2023:** Annual days lost has been reported on Performance Paper for the Board. **17/03/2023:** Highlighted in this month's performance update
Action/06/December: Reports to be shared, once available relating to Release Management and Platform Engineering	Deputy Director – Digital	31 January 2023	**Update 11/01/2023:** work ongoing and expected to be completed in February. **18/03/2023:** Work complete with final version of both reports being refined before Sharing with Digital Programme board and DS Board if required.