

Disclosure Scotland Board Meeting

Wednesday 22 March 2023: 10am to 1pm

Hybrid Meeting - Pacific Quay Boardroom/Microsoft Teams

Minutes of meeting

Present:

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

In attendance:

[redacted]	Head of Corporate Governance
[redacted]	Head of Change Management
[redacted]	Disclosure Identification Officer
[redacted]	Ambassador Team Member
[redacted]	Head of Product and Design
[redacted]	Delivery Manager
[redacted]	Senior Communications Manager
[redacted]	Software Developer
[redacted]	Director of Children and Families
[redacted]	Digital Change Manager

Secretary:

[redacted]	Executive Assistant to Chief Executive
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Item 1 - Welcome and apologies

1. The Chair welcomed everyone to the meeting.

Item 2 - Register of interests

2. None.

Item 3 - Previous minutes and action register

3. AS noted that his name is spelled incorrectly in the previous minutes and should be corrected from “Alistair” to “Alastair”.

4. The previous minutes were approved with no other amendments.

5. It was agreed that all actions apart from the following could be closed:

- Action 3/May – Director of Chief Executive Office to provide Business Continuity Plan to Digital Advisory Panel in May once endorsed by the Leadership Team.
- Action 3/October – Deputy Chief Executive Digital Strategy to consider the use of commercial partnerships for the digital team and LT to consider strategy.
- Action 22/March – KR requested again from the last meeting that finance papers be brought to Board which would be helpful, and SG agreed.
- Action 22/March: All non-executives to receive one-page documents for what each project is doing alongside its timescales.

Item 4 - Horizon scanning

6. The Chair explained that the agenda item is an opportunity for members to consider any conversions that may impact the interests of Disclosure Scotland.

7. KR asked how the change of Scotland’s leadership may affect the organisation.

8. AS developed on KR’s question by noting we may need to consider why the momentum on the Disclosure (Scotland) Act 2020 is important.

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9. The Chief Executive advised that we have strong working relationships with the Minister for Children and Young People and the Cabinet Secretary for Education and Skills and expressed that this should continue.

10. The Director of Policy, Customer Engagement, Communications and Finance advised that there was unanimous cross-party support, and educational sessions provided on our PVG scheme.

11. DH asked for a finance update considering the budget to be shared with the Board.

12. The Chief Executive advised that a dashboard containing this information will come to the board but is still being prepared.

13. The Director of the Chief Executive Office advised that we are considering whether the dashboard should come to the Board or the Audit and Risk Committee.

14. The Chief Executive explained the budget and the importance of stability considering contractor costs that we usually pay.

15. The Deputy Chief Executive Digital Strategy added that recruitment and retention has been a concern.

16. The Chief Executive noted that by using English and Welsh Disclosures, among other things, we can increase our income and improve our financial position, but thorough planning is required for the financial year ahead.

17. KR expressed that the Disclosure and Barring Service announced reductions to their Service Level Agreement last week.

18. The Chief Executive advised that the Disclosure and Barring Service have less cost, but our Service Level Agreement may equally need amendments. The Key

Performance Indicators' dashboard that the Head of Operations is working on is also crucial to understanding our performance.

20. The Head of Product and Design advised that customers have not expressed concerns about our Service Level Agreement, but essentially our digital work may reduce the resource required when considering pricing. Kenny will return to this.

Item 5 - Chief Executive update

21. The Chief Executive provided an update on performance, advising that performance is maintained at an optimal level for PVG and Basic Disclosure applications with a low number of complaints. With the complaints, the Director of Safeguarding is committed to increasing our processes in the national barring service.

22. The Director of Safeguarding emphasised that she is focussed on reducing timescales of cases and ensuring that they reach the next stage without escalation taking excessive time. We have been at our lowest timescales since August through restructuring caseworkers, however, the numbers are still too high. We will utilise resources, training, and guidance to attack these numbers.

23. The Chief Executive outlined that we are meeting legal requirements surrounding timescales. However, we would like to deal with simpler cases with easy (barring/no barring) decisions to be dealt with aggressively to allow more complex cases requiring an investigation to have more focus. A clear strategy for cases following the pandemic with the delivery of the Disclosure (Scotland) Act 2020 is crucial moving forward. Although our position is positive, our Key Performance Indicators' dashboard work will support its improvement.

24. Our governance equally remains positive. We have our Draft Audit Plan in from Deloitte now and are ensuring that this is fully reviewed.

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25. The Director of the Chief Executive Office agreed that there have been successful meetings with Deloitte meaning that expectations are managed well with an improving relationship. Programme Boards are moving well despite the changes in governance.

26. The Chief Executive noted that finance and communications will be moving from the Director of Policy, Communications, Stakeholder Engagement and Finance to the Director of the Chief Executive Office whose title will change to the Director of Corporate Services. After thanking the previous director, he noted that by moving finance to the Director of the Chief Executive Office, we will normalise our structure as a public body.

27. For our financial position, we have an underspend which will be handed back to the core Scottish Government with an overspend in minor areas. We have addressed some of this with technology around robotics in our processing but overspend is mostly around the Scottish Government Information and Technology Services (iTECS). There is also a pay award that may fall within our current financial year, but we are comfortable in covering this.

28. The national barring service was a part of the Children and Families Directorate being funded by the core Scottish Government but once this moved to Disclosure Scotland, the funding changed. There is unfunded pressure on our organisation, for example, the Scottish Government Legal Directorate are attempting to charge us for legal fees.

29. AS asked whether underspend would affect our credibility as an organisation.

30. The Chief Executive advised that because it has been delivered through savings, it would not affect credibility.

31. The Deputy Chief Executive Digital Strategy further advised that we have proactively returned the money before the end of the financial year.

32. SG noted the risk with underspend and advised to ensure that we focus on clear communication to understand why it happened.

Item 6 - Performance update

33. The Deputy Chief Executive Business Strategy introduced a paper which contains the data and figures but unlike the last Board meeting, noted that the Key Performance Indicators' dashboard will replace this. Annual monitoring and annual working days lost will require additional discussion and scrutiny.

34. AS asked whether the Police National Computer issue was trivial and whether the average call waiting time being over six minutes was problematic.

35. The Deputy Chief Executive Business Strategy answered the latter question, advising that this data should be considered alongside the number of calls received and how emails tend to be prioritised.

36. The Director of Safeguarding answered the first question, advising that we receive a lot of files from the police which all must be matched up with individuals. There was a complaint at the end of last year surrounding a case where information was matched incorrectly with a PVG scheme member. Essentially, information should have been matched to a member, but the operator made an error and did not match it. Therefore, a 100% check process was put in place to the matching process.

37. In the report, from a sample of thousands, there were just over 10 errors where individuals were not matched as expected. Having the 100% check process in place currently has slowed down the overall process. However, we are planning to increase the timescales so will roll out briefing sessions, refreshed guidance, and additional training to resume performance but have this within the expected timescales.

38. KR asked what happened in those over ten instances where there were errors.

39. The Director of Safeguarding answered that there were individuals who were safe to work but incorrectly matched as those that would require further information but will pass on information surrounding these instances to you.

40. The Deputy Chief Executive Business Strategy outlined that when the errors are scaled, the error rate is very little – 0.4% considering thousands of checks to test this.

41. DH advised that there is some uncertainty about where we sit with annual working days lost.

42. The Director of the Chief Executive Office advised that these statistics are skewed by sick leave, but generally People Services is working with teams to identify themes in issues to ensure that we take the appropriate actions to support colleagues back into the office. Although, absences like sick leave cannot be avoided, the strategy has all relevant information to support colleagues.

43. DH thought given our proactiveness that the annual working days lost would be much lower, so asked whether there was anything concerning the type of work we do that results in these statistics.

44. The Director of the Chief Executive Office outlined that our dashboard for this area highlights issues well and the trend analysis shows a decrease in annual working days lost. Therefore, we are seeing improvements and impact as we continue to learn from wider Scottish Government data.

45. The Chief Executive outlined that he asked Social Security Scotland about this and there is learning from other Scottish Government agencies for us to use, especially in terms of Human Resources support.

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46. SG outlined that they have a Human Resource Support and Wellbeing Team that strongly focuses on support where managers can reach out and provide support.

47. The Chief Executive explained how operational delivery bodies usually have higher sick leave numbers than core Scottish Government, but also acknowledged how Social Security Scotland is an example of where this does not happen. Hybrid working may work advantageously to decrease annual working days lost.

48. The Deputy Chief Executive Business Strategy noted that we should consider whether there is a trend of hybrid working for short term leave. So, whether short term absences are linked to office attendance days.

49. AS asked what the figure is for office attendance.

50. The Director of the Chief Executive Office advised that we thought the annual working days lost would decrease but we're not at 60% office attendance. However, colleagues are using the office in an appropriate manner for collaborative work, team days, and workshops.

51. The Deputy Chief Executive Digital Strategy advised that using the office for collaboration is important, but it is extremely difficult to navigate as strictness may result in retention rates decreasing.

52. The Chief Executive explained how some teams work better with office attendance especially for casework roles, but this can bring challenges around fairness.

53. Even at Social Security Scotland, the balance is difficult to meet as the office occupancy is not met but the right practices are in place to ensure that the office is utilised correctly.

Item 7 - Change delivery and assurance update

54. The Head of Change Management explained that this item is for the Change Portfolio Highlight Report which has been brought back after scrutiny, advice and challenge then went through each element of it. The format has now been changed and feedback on this would be particularly helpful to make it more strategic, streamlines and consistent. Leadership Team have already seen and reviewed this.

55. AS outlined that the format looks good but there was complicated language used throughout.

56. The Head of Change Management agreed that there is indeed difficult terminology so context around these would be helpful.

57. The Deputy Chief Executive Business Strategy suggested that it may be useful for AS and SG but perhaps even all non-executives if there are one-page documents pulled together for what each project is doing alongside its timescales.

58. SG noted that the information looks good, the format is brilliant, but some more information for timescales/financial years in the financial information would be useful.

59. DH suggested that the business case should be rephrased as a budget rather than a forecast because it is too early to do that and that we should consider outcomes and not the process for benefits.

60. The Head of Change Management acknowledged all recommendations and advised that all that has been discussed will be changed, including terminology, and sharing appointment letters for Senior Responsible Owners.

Welcome to the Director of Children and Families

61. The Director of Children and Families joined the call at midday to announce that he will be moving on from his role from April, beginning a new post from September. Therefore, there will be a new Fraser Figure linking Disclosure Scotland to Scottish Government – Andrew Watson, Director for Early Learning and Childcare.

62. The Chief Executive thanked the Director of Children and Families for his brilliant contribution to Disclosure Scotland as a strong ally and great Fraser Figure. It is important to note your contributions to our development.

63. DH added that the hard work from the Director of Children and Families has been immensely helpful and expressed a wish for all Fraser Figures to have the same openness. Thanked on behalf of all the non-executives.

Item 8 - Feedback from Audit and Risk Committee

64. DH summarised by saying that it was SG's first meeting, but she was helpful, especially on the development of the financial paper and financial strategy. There was helpful discussion on change mapping and change governance with the key takeaway being whether the strategic risk is right. It was a constructive meeting with positive challenges, and several areas where improvement points were clear. He opened the discussion to any questions about any minutes or points made.

Item 9 – Strategic session

65. The Deputy Chief Executive Digital Strategy advised that his team would be joining to provide a demonstration of what the online account would look like then the Head of Product and Design will summarise on figures on applications before a general discussion.

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66. The digital team members on the call provided the demonstration (Ambassador Team Member, Head of Product and Design, Delivery Manager, Disclosure Identification Officer, Digital Change Manager, and Software Developer).

67. The Head of Product and Design provided some statistics, advising on how we would increase our success rates.

68. CW appreciated that it was not Disclosure Scotland technology causing the identity verification rates to be low but raised some concerns about accessibility surrounding font sizes on the demonstration.

69. The Chief Executive outlined that the Deputy Chief Executive Digital Strategy is driving the digital results but there will be board discussions to validate our thinking.

70. The meeting closed.

Item 10 – Any other business

None.

Date of Next Meeting: 7 June 2023.

Actions

Actions	Responsible	Due by	Status
<p>Action/03/May: provide Business Continuity Plan to Digital Advisory Panel once endorsed by the Leadership Team.</p>	<p>Director of Chief Executive Office</p>	<p>30 September 2022</p>	<p>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.</p> <p>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.</p> <p>25/10/2022: Flu action plan presented to the Leadership Team and added to the</p>

Actions	Responsible	Due by	Status
			<p>main plan. Main plan continues to be updated.</p> <p>18/11/2022: Draft of plan being reviewed by Director of Chief Executive Office, Head of Governance and Governance Manager in the next couple of weeks.</p> <p>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.</p> <p>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</p>

Actions	Responsible	Due by	Status
			<p>further informed by that exercise then shared with Leadership Team and update paper to Board in March.</p> <p>Update 13/03/2023: Delays due to staff absence, but session scheduled for Leadership Team in May.</p> <p>Update 30/05/2023: As the Digital Advisory Panel as now disbanded I would ask that a review of this action be considered. Disclosure Scotland have an active Business Continuity Plan in place and this is currently under review based on the completion of business impact assessments. Over the past year we have added detail to this covering Flu and also our Disaster Recovery arrangements. We</p>

Actions	Responsible	Due by	Status
			<p>have also tested some aspects of the plan during a power outage incident. Work is continuing in this area, but progress slower due to resourcing implications. A detailed update is scheduled for Leadership Team. Would the Board like a more detailed update presented at their next meeting?</p>
<p>Action/04/September: Paper on staffing strategy for the future to be brought to the board in due course.</p>	<p>Deputy Chief Executive (Digital)</p>		<p>16/10/2022: Paper being progressed and will be brought to Board in due course.</p> <p>24/11/2022: Ongoing. Planning for Digital Re-Structure underway. This will be fed into workforce planning group before being published.</p> <p>Update 10/01/2023: Plans for restructure now at advanced stage with</p>

Actions	Responsible	Due by	Status
			<p>implementation imminent. Workforce planning group operational and Digital engaging to ensure sustainable staffing model.</p> <p>22/03/2023: 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 action down (I will explain if needs be to the board).</p> <p>Closed.</p>
<p>Action/03/October: Deputy Chief Executive (Digital) to consider the use</p>	<p>Deputy Chief Executive (Digital)</p>	<p>30 November 2022</p>	<p>24/11/2022 : Active work by consultant being carried out.</p>

Actions	Responsible	Due by	Status
of commercial partnerships for the digital team.			<p>Update 10/01/2023: Report now created by specialist consultant, to be considered by LT with future report to the board.</p> <p>22/03/2023: Strategy still under refinement within Digital and to be considered by LT imminently.</p> <p>Update 01/06/2023: Ongoing, under consideration</p>
<p>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 Target</p>	<p>Deputy Chief Executive – Business Strategy</p>	<p>6 February 2023</p>	<p>Update 10/11/2023: Ongoing, workshop to be set up</p> <p>13/03/2023: KPI Board session held and feedback is being added to the project output.</p>

Actions	Responsible	Due by	Status
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	<p>Update 10/01/2023: Annual days lost has been reported on Performance Paper for the Board.</p> <p>17/03/2023: Highlighted in this month's performance update.</p> <p>Closed.</p>
Action/06/December: Reports to be shared, once available relating to Release Management and Platform Engineering	Deputy Director – Digital	31 January 2023	<p>Update 11/01/2023: work ongoing and expected to be completed in February.</p> <p>22/03/2023: Work complete with final version of both reports being refined</p>

Actions	Responsible	Due by	Status
			<p>before Sharing with Digital Programme board + DS Board if required.</p> <p>Closed.</p>
<p>Action 22/March: Finance papers to be shared with the board.</p>	<p>Executive Assistant to CE</p>	<p>7 June 2023</p>	<p>Update 24/04/2023: Finance papers board discussion on 25/04.</p> <p>Closed.</p>
<p>Action 22/March: All non-executives to receive one-page documents for what each project is doing alongside its timescales.</p>	<p>Project Leads</p>	<p>7 June 2023</p>	<p>30/05/2023 – An overview of each project within the three programmes was uploaded to Connect on 24 March (DS 25 and Digital) and 24 April 2023 (Act). The overviews contained information for each project on what, why, who, when and cost.</p>