

Disclosure Scotland Board

Minutes: Wednesday 7 December 2022, 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 and Director of Digital Delivery and Strategy
Lynne McMinn	Director of Policy, Customer Engagement, Communications and Finance
Nicola McBain	Director Chief Executive Office
Kathleen McNulty	Director of Safeguarding
Douglas Hutchens	Non-Executive Board Member (DH)
Stuart Smith	Non-Executive Board Member (SS)
Keith Rosser	Non-Executive Board Member (KR)
Christopher Wroath	Non-Executive Board Member (CW)

Attending:

[redacted]	(Head of Corporate Governance)
Michael Chalmers	(Director of Children and Families)

Secretariat:

[redacted]	(Governance Manager)
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Observer:

[redacted]	(Change and Improvement Lead)
[redacted]	(DS Net Zero Head of Office and Strategic Support)

Apologies:

[redacted] (Head of Change Management Office)

[redacted] (Senior Communications Manager)

Welcome and introductions

1. The Chair welcomed everyone to the meeting, introduced the observers and noted the above apologies.

Action/01/December: Executive Assistant to invite [redacted] to the next Audit and Risk Committee meeting.

Action/02/December: Skills gap review of Non-Executive Board Members to be undertaken.

Declaration of interests

2. None.

Previous minutes and actions

3. The minutes were agreed as a true reflection of the meeting.

4. 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:** draft plan being reviewed by Director of Chief Executive Office, Head of Corporate Governance and Governance Manager in the next couple of weeks
 - Head of Corporate Governance and Governance Manager working with Information Security Analyst on desktop exercise and exercise of Disaster Recovery plan to be carried out in January 2023

- **action/04/September:** paper on staffing strategy for the future to be brought to the Board in due course
 - **update:** ongoing. Planning for Digital Re-Structure underway. This will be fed into the Workforce Planning Group before being published
- **action/03/October:** Deputy Chief Executive (Digital) to consider the use of commercial partnerships for the digital team
 - **update:** ongoing. Active work by consultant being carried out

Horizon scanning

5. The Director of Children and Families, Michael Chalmers, provided the Board with an update on the Deputy First Minister's budget allocations for 2023/24, outlining the continued importance of making savings.
6. The Director of Children and Families, Michael Chalmers advised that the headline figures have been received on this year's People Survey, noting a number of positive results.

Chief Executive update

7. The Chief Executive provided an update on operational priorities, performance and delivery noting some key points around Disclosure Scotland's improvement in capability as application volumes are up and staffing has reduced, and we have managed to maintain performance.
8. The Chief Executive noted that the overall engagement score for Disclosure Scotland, People Survey results is down by one point, in comparison to 2021. Leadership scores have increased significantly in the last two years.
9. The current cost crisis remains in the spotlight for Disclosure Scotland, like all other public bodies. A paper was put forward to the Director of Children and Families for

the Director General of Education and Justice, on cost savings that can be made by Disclosure Scotland.

10. The paper listed cost savings in a RAG status format. Taking forward and implemented savings considered green rating and also some that are considered as Amber. Reducing recruitment where possible, and finding cost savings through changing internal processes.

Looking at medium and long term savings through rebuilding our vetting service and incorporating automation where viable.

The Chief Executive went on to explain, that Ministers have taken the decision, because it will cost less, to allow Disclosure Scotland more of a contingency on delivering the Disclosure (Scotland) Act, over a longer period. This approach will provide better savings in delivering a platform with increased functionality. It will also allow for a longer readiness period for our customers, through digital and policy offerings.

11. Key Performance Indicator work is progressing at pace. With a customer survey prepared, asking a number of closed questions. This will inform what we review from now until April 2023, and provide baseline information for Level 1 and 2 certificates, for when they are implemented.
12. The Deputy Chief Executive - Business Strategy, expressed the need to move forward and set targets for what Disclosure Scotland is to look like in 2025/26. This is something that had not previously been explored when looking at the Target Operating Model.

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 under KPIs. With an aim to bring the Target Operating Model for sign off at March's Board Meeting.

13. Performance has been maintained, through our peak period, and Disclosure Scotland continue to prioritise Ukraine and PVG applications. This has been achieved with fewer staff than previously and is due to system fixes and performance improvement.
14. An impact has been seen by the changes and improvements implemented by the Director of Safeguarding. The API work that will be delivered in February by the Digital Team will allow the barring service to cascade from one system to another, tightening up safeguarding.
15. The new Employee Passport function has been launched across Disclosure Scotland.
16. The Chief Executive and Director of Chief Executive Office has met with a senior partner from Deloitte, who are our new External Audit partners.
17. The Board was updated by the Director of Chief Executive Office, that two interim Non-Executive Board Members have been appointed. A note will be sent to the Minister, Ms Haughey, for awareness of the interim appointments of [redacted], a current Civil Servant at Social Security Scotland and [redacted], Director, Universities Scotland.
18. These appointments will help to fill the current skills gaps on the Board and the Audit and Risk Committee.
19. The Director of Policy, Customer Engagement, Communications and Finance updated the group that the amendment to the Offence List passed without incident or comment.
20. Conversation moved on to staff sick absence, with the average number of days lost being higher for Disclosure Scotland than the rest of Scottish Government.
21. The Chief Executive assured the Board that sick absence totals are normally higher in Operational workforces. The Deputy Chief Executive – Business Strategy

commented that Disclosure Scotland historically have lower sick absence rates than other operational agencies across Scottish Government.

Action/04/December: Director of Operations to present data on the average working days lost at the next Board meeting.

The Chief Executive advised that Disclosure Scotland have been working in close contact with our Scottish Government colleagues, on our approach to risk, looking at the documentation used and how we can simplify our approach.

Terms of Reference review

22. The Board Members were asked if they were content to sign of the revised Terms of Reference.
23. **Action/05/December:** The following amendments were noted:
 - Director of Policy, Communications and Customer Engagement's title to be updated to include Finance
 - under Board ad-hoc discussion – Board members to be called non-executive members and not directors
 - Stuart Smith to be removed in January and two new non-executive board members to be added

Phase two – update Change Strategy

24. The Director of Chief Executive Office, took the group through the proposed update to the Change Strategy, explaining that the purpose of the Change Teams was to put the capacity for change and innovation at the centre of Disclosure Scotland. The approach has worked, with a positive impact on discouraging silo working and supporting delivery on tactical changes.

25. The recommended approach going forward is that we revise the remit of the current three Change Teams, and re-brand them as Programme Boards:
- Disclosure Act – The Disclosure Act Programme is focused on delivery of the Disclosure Act
 - Digital – There is currently a Digital Enhancement and Digital Enabler programme. Both these programmes will report through a specific Digital Programme Board due to the focus of their delivery over a specific period
 - DS 25 Delivery – This group would focus on all other medium sized project work (both digital and non-digital) that align and support delivery of DS 25
26. The new Programme Board structure will allow stronger decision making to be taken at Programme level and will be tested over a four-month period, to ensure it is working to the levels required.
27. The Change Management Team will continue to provide support across the all Projects and Programme Boards, and are currently in the process of reviewing membership across the Portfolio. Terms of Reference will be updated to reflect these changes.
28. Timetabling for implementing the new change structure is planned for February. The Change Management Team and current change teams will continue to report as normal for December and January.
29. Discussion took place between the Board Members on this topic regarding the potential benefits and challenges of taking this approach, and how this will provide a formal layer of decision making for the SRO and governance processes.

Change delivery and assurance update

30. The Director of Chief Executive Office took the Board through October's Highlight Report. Alerting the group that two projects are reporting Amber, 'at risk of delay', however this is due to resourcing issues and there is confidence over a number of delivery areas.
31. All other projects continue to report as green, 'on schedule'.
32. Act contingency is being looked at and a series of 'As Is' workshops are in progress, and also looking at what if we have 'zero to limited' digital capacity, for the Act Implementation.
33. There is a dependency from iTecs for both the Telephony and Finance projects, which has had an impact on delivery. The Finance project is scheduled to go live before Christmas, with Telephony being delayed due to suppliers issues and iTecs.
34. When timescales or any factors have changed in a project that differs from the Outline Business Case, the Project Management Office request an escalation report from the Project Manager, to be reviewed by the Senior Responsible Owner.
35. Spotlight reporting has been carried out at Thursday Leadership Team meetings, with ID&V, Platform Engineering, Finance Tool and PUCMS projects attending and presenting.
36. Act Implementation, Project Q – Data Cleanse work will now move to Business As Usual. This project highlighted tasks that can be done across the organisation with regards to data retention and updating of customer information.
37. Project H – Regulated Roles, had previously reported at 'risk of delay' due to an element of the work package not being met. The reporting status has since returned to green.
38. There are two recruitments currently taking place within the Change Management, PMO team, B3 Project Management Lead and B1 Project Management Support Officer.

39. A TRS appointment has been appointed to cover the maternity leave of the current, Head of Change Management.

Audit and Risk Committee update

40. The Chair of the Audit and Risk Committee commented on the positive Procurement report.
41. Also the current challenges with finance is being managed effectively, with outcomes being managed effectively by staff.
42. It was noted that the committee was concerned that there had been no dialogue between the new external auditors and Disclosure Scotland, however it was noted that dialogue has now taken place between Deloitte, the Chief Executive and the Director of the Chief Executive Office.
43. The Director of Children and Families would like to share the paper prepared by the Deputy Chief Executive – Business Strategy for the Audit and Risk Committee with The Cabinet Secretary for Education and Skills, Ms Somerville and the Minister for Children and Young People, Ms Haughey.

Digital Update

44. PUCMS – development work on the link between PUCMS and Phoenix is progressing well. The original plan to deliver this link into live use before the end of December 2022. While this is still possible, rescheduling to February/March 2023 allows for new underpinning digital infrastructure to be created, significantly reducing the risk of this deployment. The Leadership Team have agreed to this revised plan.
45. Online results - is scheduled to move to public BETA in February 2023. This will be the first production use of the new platform. Through the spotlight reporting that took place at the Leadership Team the previous week, it was identified via LT scrutiny that there was a requirement for adaptations to how the private beta is formed. This is now being worked on, and the team will report back on this the next week.

46. Search and Update – development work is now completed with a view to the project formally closing within the next couple of months.
47. Vetting – is progressing well with deployment of this being estimated for April 2023. The team have advised that it may be possible to provide more automation via this product that originally thought.
48. Finance – go live on this function is about to take place.
49. There are two consultancy streams, that are looking at the release management process. Currently there is a queue of functionality to deploy, on how we do the internal procedures and the publishing of new releases every two weeks.
50. Platform engineering to be looked at to ensure the platform is as hoped, to industry standards and to underpin what is being done reliably and safely.

Action/06/December: Deputy Director – Digital to share the two reports with Board Member Christopher Wroath, when available.

AOB

None

Date of next meeting: 18 January 2022.

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 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</p>

Actions	Responsible	Due by	Status
			<p>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 further informed by that exercise then shared with Leadership Team and update paper to Board in March.</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>N/A</p>	<p>16/10/2022: Paper being progressed and will be brought to Board in due course.</p>

Actions	Responsible	Due by	Status
			<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 implementation imminent. Workforce planning group operational and Digital engaging to ensure sustainable staffing model.</p>
<p>Action/03/October: Deputy Chief Executive (Digital) to consider the use of commercial partnerships for the digital team.</p>	<p>Deputy Chief Executive (Digital)</p>	<p>30 November 2022</p>	<p>24/11/2022: Active work by consultant being carried out.</p> <p>Update 10/01/2023: Report now created by specialist consultant, to be considered by LT with future report to the board.</p>

Actions	Responsible	Due by	Status
Action/02/December: Review the skills gap for the non-executives.	Director of Chief Executive Office and Head of Corporate Governance	31 January 2023	Update 09/01/2023: Two new Non Executives have started and skills matrix will be updated. Strategic recruitment will begin towards the end of February.
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 Operating Model for sign off at March's Board Meeting	Deputy Chief Executive – Business Strategy	6 February 2023	Update 10/11/2023: Ongoing, workshop to be set up
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.
Action/05/December: Terms of Reference - Director of Policy, Communications and Customer	Executive Assistant and	10 January 2023	Update 09/01/2023: All updates completed.

Actions	Responsible	Due by	Status
<p>Engagement’s title to be updated to include Finance.</p> <ul style="list-style-type: none"> • Board to be called non-executive members not directors • under Board ad-hoc discussion – Board to be called non-executive members not directors <p>Stuart Smith to be removed in January and two new non-executive board members to be added.</p>	<p>Secretariat/Governance Manager</p>		
<p>Action/06/December: Reports to be shared, once available relating to Release Management and Platform Engineering</p>	<p>Deputy Director – Digital</p>	<p>31 January 2023</p>	<p>Update 11/01/2023: work ongoing and expected to be completed in February.</p>