

RISK MANAGEMENT AUTHORITY

Board Meeting

16 January 2017, RMA, Paisley

Board Meeting Minutes

Present

Prof Hazel Kemshall (Acting Convener)
Dr Anne MacDonald
Mr Stephen Swan
Mr Chris Hawkes

In Attendance

Ms Yvonne Gailey, Chief Executive
Mr Paul Keoghan, Director of Business Performance
Ms Heather Irving, Acting Head of Delivery (Attended items 7-14)
Mr Ross Pollock, Senior OLR Case Worker (Attended items 7-14)
Mrs Lesley Martin, OLR Case Worker (Attended items 7-14)
Mr Paul Foy, Governance & Communications Administrator (Attended items 7-18)

Apologies

Apologies were submitted by Dr Katharine Russell.

Declarations of Interest

1. The Acting Convener called the meeting to order and asked Members for any declarations of interest.
2. The Acting Convener noted there were no declarations of interest.

Approval of Previous Minutes

3. Members noted and approved minutes of Board meeting held on 21 November 2016 subject to the following amendments:

Para 14 – amend “and table it at” to “which will be presented to”
Para 18 – change word “occurred” to incurred”

4. RMP Approval Committee 19 December 2016 – The Committee requested that a sentence was added to paragraph 4 of the minute, to show that the notes submitted by Dr Russell were discussed during the case review. The minutes were subsequently approved.

Matters Arising

5. The Board requested an update on the legal case against the RMA. The Director informed the Board that following advice from the RMA's corporate lawyers instructions were issued to Counsel to handle this matter on the RMA's behalf. The

Director reported the initial court hearing was held on 2 December at which an adjusted Writ was produced by the pursuer. The Court set a procedural hearing date for 31 March 2017 and required defences to be lodged with the Court by 13 January 2017. The Director confirmed defences had been lodged in accordance with the date set by the Court. The Director also informed the Board the case is currently in a period where adjustments can be made and this period will end on 10 March 2017.

6. The Board enquired whether staff or board members were exposed to risk of personal liability. The Director referred to previous legal opinion where the RMA sought advice on the risk of personal liability for staff. The Director informed members the advice concluded that as long as staff acted within the powers delegated to them and did not act in a manner that could be considered fraudulent, then there was no risk of personal liability. In terms of how this relates to Board Members, it was discussed that this matter would require input from the Sponsor Department.

Action: DBP

RMP and AIR Business

7. Mr Chris Hawkes presented the Risk Management Plan case being considered by the Board for approval and was joined by the following staff members Ms Irving, Mr Pollock, Mrs Martin and Mr Foy.

Para 8-12 redacted from the public minute - Data Protection

OLR Performance Report December 2016 – Board Paper 567

13. The OLR Performance Report was introduced by the Director of Business Performance, who highlighted that up to the end of quarter three, the number of offenders subject to OLR had increased to 152; 12 RAOs had been instructed by the Court, representing a slight downturn on previous years; and continuing progress was being made regarding AIR evaluations, with only one file in the 2-month overdue category and all others now up to date. The Board were assured that staff were engaging with SPS to conclude the overdue item. The Board commended the progress made by staff in this area.
14. Staff members Ms Irving, Mr Pollock and Mrs Martin left the meeting.

Para 15-17 redacted from staff and public – Corporate Sensitive Information

18. Staff member Mr Foy left the meeting.

Accreditation Governance

19. The Acting Chair of the Accreditation Committee provided an update to the Board, advising that discussions with the RMA's lawyers had taken place in December regarding opening Accredited Assessor status to new applicants, and that the lawyers were currently preparing a response paper, which was expected shortly. The Acting Chair of the Accreditation Committee proposed the following course of action:
 - that members of the Accreditation Committee review the paper from the lawyers prior to next month's meeting, to allow any issues to be flagged up and resolved
 - the review to then be discussed with staff and put to Board members via email

- for an Accreditation meeting to be held immediately prior to next month's Board meeting, attended by the lawyers so that any issues arising could be resolved there and then
 - a final paper with the Accreditation Committee's recommendations to then be discussed at the Board meeting
20. The Board agreed with the approach, acknowledging the need for momentum to be maintained.

Policy and Research

21. There were no matters to report.

Standards and Guidelines

22. There were no matters to report.

Training

23. There were no matters to report.

Corporate Business

Para 24-27 redacted from staff and public – Corporate Sensitive Information

Financial Management Report Q3 – Board Paper 570

28. The Director of Business Performance provided the report to the Board, informing them that expenditure was in line with the budget and there were no associated risks. The Board were advised the forecast indicated a £30k saving, however this may be impacted by legal costs associated with the outstanding legal case against the RMA. Other items of note were the capital spend projects on IT infrastructure and case management system; these items will be progressed by the end of March 2017.

Business Plan Performance Report Q3 – Board Paper 571

29. The Director of Business Performance provided the business plan update to the Board. Items of note were the revised publication date for the Standards and Guidelines for Risk Assessment – the publication has been significantly re-shaped and improved but this has resulted in a longer completion timescale than that originally proposed; and the OLR data set could potentially carry forward into 2017/18. The Board were advised that progress has been made with the dataset, and Delivery Team staff have been identified to assist with its development. The Board suggested that an update on these items should be included in the next quarterly report to the Board.

Action Point: DBP

Board Member Interests – Board Paper 572

30. The Chief Executive introduced this paper, which sought to inform the Board's consideration of member's declarations of interest. The Chief Executive advised she had consulted with Lorna Johnstone of the Standards Commission, who had provided

advice and offered to attend a future RMA Board meeting if deemed helpful. The paper outlined Standards Commission materials and case examples to inform the discussion.

31. The Board discussed the paper and acknowledged that the RMA's current approach was very clear cut and erred on the side of caution, but equally made clear their wish to benefit as much as possible from member's expertise. The Board noted the distinction between declaring an interest, which meant a member could still participate; and declaring a conflict of interest, whereby there was a perception of prejudice / an inability to be seen as impartial (thus causing a member to withdraw). The Board also highlighted the difference between having prior knowledge of a person with convictions, and prior involvement in the risk management of a person with convictions.
32. The Board were content with the information provided by the paper and welcomed the clarity that it provided. The Board agreed upon the need to operate more formally, with minutes that recorded declarations clearly. The Board noted that under Section 3 of the paper (Advice from Standards Commission) that paragraphs 3 to 6 provided the basis of the RMA's position on this matter, and accepted the distinction between a declaration of interest and a conflict of interest. The Board also instructed that new members be briefed on declarations as part of their induction.

Action Point: CE

33. The Board welcomed the offer of assistance made by Lorna Johnstone from the Standards Commission and extended an invite for her to attend the March 2017 Board meeting.

Action Point: CE

Review Member's Code of Conduct – Board Paper 573

34. The Board were advised that this paper concerned the annual review of the Code of Conduct and included a model from the Standards Commission as comparison. Staff drew Member's attention to a slight anomaly between the RMA and Standard Commission model and suggested that this could be raised with Lorna Johnstone on her attendance at the Board meeting in March. The Board agreed with this suggestion and noted the Standards Commission paragraphs and objective test discussed in Board Paper 572 could be incorporated into the Code of Conduct for ease of reference.

Action Point: DBP

Review Board Performance – Board Paper 574

35. The Board were asked to complete the Member's survey, which has been added to Boardbooks, by the 19th of February. This will allow adequate time for the results to be collated and presented to the Board in March 2017.

Monthly Bulletin – Events and Conferences – Board Paper 575

36. The Board noted the monthly bulletin.

Board and Committee Calendar – Board Paper 576

37. The Board were asked to note two changes to the normal meeting dates – April's meeting will move to the 24th due to the Easter holidays and January 2018's meeting will move from the third to the fourth Monday, to allow adequate time for papers to be produced following Christmas and New Year. The Board noted these changes.

Draft Bill on Board Gender Balance – Board Paper 577

38. The Board noted their support for the Bill.

Committee Minutes

Audit Committee Minutes – 19 September 2016

39. The Board noted the Audit Committee minutes of 19 September 2016.

RMP Approval Committee Minutes – 17 October 2016

40. The Board noted the RMP Approval Committee minutes of 17 October 2016.

RMP Approval Committee Minutes – 21 November 2016

41. The Board noted the RMP Approval Committee minutes of 21 November 2016.

Any Other Business

42. The Acting Convener asked that consideration be given to streamlining the number of papers presented to the Board if possible, and suggested establishing rules and criteria for requesting papers; being mindful of the efforts required by the executive to produce these items.
43. The Board requested an update on the Convener and Member recruitment. The Acting Convener advised that the Member recruitment had been delayed, with the second day of interviews scheduled for the 23rd of January. A total of nine individuals will be interviewed for the three positions. Convener interviews were held on the 19th and 20th of December, however the outcome has not been communicated as yet. The Acting Convener will request an update.
44. The Board discussed procedures for notifying resignations from the Board, which had also been raised by Internal Audit. The Board was advised that when a Member resigned they should notify the Director of Business Performance via email, copying in the Convener, so that the information could be relayed to the appropriate bodies.

Date of Next Meeting – 20 February 2017