

# **RISK MANAGEMENT AUTHORITY**

## **Board Meeting**

**22 January, RMA, Paisley**

## **Board Meeting Minutes**

### **Present**

Mr David Crawford (Chair)  
Mr Stephen Swan  
Prof. Hazel Kemshall (teleconference)  
Ms Jane Davey (teleconference)  
Mr Terry Powell  
Mr Chris Hawkes  
Dr Katharine Russell.  
Dr Aileen Burnett

### **In Attendance**

Ms Yvonne Gailey, Chief Executive  
Mr Paul Keoghan, Director of Business Performance  
Ms Heather Irving, Head of Delivery (points 6 to 18)  
Ms Sharon Hume, OLR Case Worker (points 6 to 15)  
Ms Rebekah Emmett, Risk Practice Lead (points 6 to 15)

### **Welcome**

1. The Chair extended a warm welcome to all present.

### **Apologies**

2. There were no apologies.

### **Declarations of Interest**

3. The Chair declared an interest in case 054, but advised that this related to previous social work engagement with the individual's family over twenty years ago. It was noted and agreed that no conflict of interest was present.

### **Approval of Previous Minutes**

4. The minutes from the Board meeting held on the 18th of December 2017 were approved.

### **Matters Arising**

5. There were no matters arising.

### **RMP and AIR Business**

6. Staff members Ms Irving, Ms Hume and Ms Emmett joined the meeting.

7. Mr Hawkes presented the Risk Management Plans to be considered by the Board for approval.

Para 8-13 are redacted from the public minute – Data Protection

#### **OLR Performance Report – Board Paper 661**

14. The Director of Business Performance introduced the OLR Performance Report, highlighting that 14 RAOs had been issued by the High Court this year; that there were 161 OLRs, of which 156 are managed by SPS; 2 by a Local Authority and 3 by the NHS; and that Lead Authorities continued to be prompt in the submission of AIRs. 45 AIRs are expected over the next four months, demonstrating the high volume of work in this area. The number of accredited assessors continues to be 15, of which 8 are currently available to the court.
15. Ms Hume and Ms Emmett left the meeting.

#### **Revised RMP Approval Process - Board Paper 662**

16. Staff presented the final version of the revised RMP Approval Procedure, Scheme of Delegation and implementation plan to facilitate the delegation of approval functions to staff. The Board commented on the increasing likelihood of community facing plans and the challenge this would present - recognising that beneficial working relationships had been built up between RMA staff and SPS case managers, and that those strong relationships would need to be replicated across the 32 local authorities. It was considered that updates / overviews on new community-facing plans could be provided to the Board; and that the wording for Level 3 approvals should be extended to include 'or any other substantive reason'. This would allow scope for the Board to approve items such as a first plan developed by a local authority, where deemed appropriate.
17. The Board **approved** the revised RMP Process and agreed the new arrangement be implemented with effect from 20 March 2018, meaning any plan received but not approved by the 19 March 2018 and all future plans will be considered under the new arrangement. The Chair expressed his thanks to all involved for their hard work in developing this new approach.

**Action: Head Delivery**

18. Ms Irving left the meeting.

#### **Advice to Scottish Ministers on the application of the Order for Lifelong Restriction 2006-16 – Board Paper 663**

19. The Chief Executive introduced this paper, which concerned a letter to the Cabinet Secretary for Justice to provide advice on the application of the OLR. The CE advised that the feedback provided by the Board at last month's meeting had now been incorporated to bolster the additional arguments for case review. The CE also highlighted that the recommendations being made were commonly accepted by stakeholders and colleagues within policy.
20. The Board confirmed that they were content with letter and advice proposed.

**Accreditation Governance**

21. There were no matters to report.

**Policy and Research**

22. There were no matters to report.

**Standards and Guidelines**

23. There were no matters to report.

**Training**

24. There were no matters to report.

**Corporate Business**

**Remuneration Committee Report on Chief Executive Pay Review – Board Paper 664**

25. The Board considered the Remuneration's Committee report on Chief Executive salary and approved the pay model recommended in the report. A draft business case will now be prepared and shared with Scottish Government.

**Action: DBP**

**Board Governance – Board Paper 669**

26. The Director introduced this paper, which concerned a review of Board and Committee structures and meeting requirements, following the decision to devolve elements of the Risk Management Plan approval function to staff. The Board agreed it would be prudent to review arrangements given this forthcoming change, recognising that a reduction in case work would likely negate the need for monthly meetings. The Board also highlighted that meeting preparation currently took up a considerable amount of senior staff time and effort. The Board were agreed that utilising other means of attending meetings, such as extending the use of video conferencing, skype and teleconferencing, were worthy of greater consideration.
27. The importance of maintaining the Board's identity was stressed, with members emphasising that the tangible character and life of the Board should not be diluted. Interaction between Board members was raised as being a vital component for this purpose, with an agreement that holding regular face to face meetings was a significant factor in achieving a cohesive and effective Board.
28. The Board determined that any change to the frequency of meetings should be based upon workload, but balanced by a maintenance of the dialogue and working intelligence that stemmed from regular interaction at meetings.

29. It was noted that any changes would lead to a subsequent change in Member appointment arrangements. The move to a daily rate system was discussed and it was highlighted that this system could provide a degree of flexibility, lending itself to straightforward accounting of member attendance at additional meetings, events and training.
30. Overall the Board agreed to reduce the number of meetings from monthly to bi-monthly, with the new arrangements to commence following the end of the 6-month implementation phase of the revised RMP approval process. Once in place, the new arrangements would be kept under review, with the capacity to call additional meetings maintained. Consideration will be given to the Board remuneration arrangements and communicated in due course.

**Action: DBP**

31. Members went on to consider the optimal size of the Board in consideration of the legislative requirements and functions. Members were unanimous that past experience evidenced the clear benefits of having a Board that contained a broad range of background knowledge and experience, across a range of disciplines. As such the Board expressed their preference for membership to remain at eight members.

### **Financial Performance Report Q3 – Board Paper 665**

32. The Director introduced the financial report and drew the Board's attention to the following items:
  - i. A total underspend of £65k for the year is envisaged. A key element of this figure concerned dilapidation costs for St James House, which had been estimated at £60k but resulted in actual costs of £28k. Other underspends relate to staffing and recruitment, with one Risk Practice Lead post currently out to advert. Underspend funds cannot be carried forward and will therefore be returned to Scottish Government.
  - ii. Capital expenditure costs are currently £20k over the budget plan, with a total cost of £60k anticipated. Expenditure relates primarily to the development of a case management system, with work on the tender arrangements being taken forward in partnership with Procurement Scotland. A potential risk exists that the contract stage may not be reached by the year end, however staff are in constant dialogue with Procurement Scotland with efforts being made to issue the tender as soon as possible. Sponsor Department have been advised of this position.
  - iii. A meeting between the Sponsor Department and senior staff has been scheduled for later this week. Discussions will include the budget plan submitted for 2018-19, to which no response has been received thus far.
  - iv. Overall spend for the year is estimated at £1.16m.
33. The Board noted that consultancy fees for the year had increased and were advised that this related to significant legal fees incurred due to the litigation claim raised against the RMA.
34. The Board noted the Financial Performance Report.

### **Business Plan Update Q3 – Board Paper 666**

35. The Board reviewed the update of the Business Plan, which highlighted those objectives that were on schedule, those at risk and those re-scheduled / carried forward.
36. The Board noted the Business Plan Update Report.

#### **Standing Orders – Board Paper 657**

37. The Director advised the Board that section 7 of the Standing Orders had been updated to reflect the changes agreed by members at the previous Board meeting in December. The Board were content with the changes made and approved the Standing Orders.

**Action: DBP**

#### **Legal Matters – Board Paper 668**

38. The Board were given an update on the Sheriff Court judgement in relation to Mr Neil Robertson v Scottish Ministers and the RMA . The Board were advised that this action had been dismissed by the Sheriff. Legal costs of £52,000 were incurred to defend this action and the RMA has instructed legal counsel to pursue Mr Robertson for reimbursement of those legal costs. The RMA's legal advisors have communicated that Mr Robertson had lodged his intention to appeal the decision. Further details and updates will be provided to the Board as they arise.
39. The Board noted the update.

#### **Committee Minutes**

40. The Board noted the Audit Committee minutes for 16/10/2017.

#### **Any Other Business**

41. There being no other business, the Chair thanked members for their contributions and staff for their efforts in preparing papers, and brought the meeting to a close.

#### **Date of Next Meeting – 19 February 2018**