

Board Meeting Minutes

12 December 2022, via MS Teams

Present

Mr David Crawford - Convener
Mr Terry Powell
Ms Jane Davey
Mr Jim Farish
Mr Stephen McAllister
Dr Joe Judge
Ms Michele Gilluley
Dr Aileen Burnett

In Attendance

Mr Mark McSherry, Chief Executive
Mr Paul Keoghan, Director Corporate Services
Mr Eddie Kotrys, Head of Effective Practice
Ms Debbie Campbell, Head of OLR.
Ms Elaine Ferguson, Effective Practice Lead (Agenda point 6.3)
Mr Ross Pollock, OLR Lead (Agenda points 7.1 and 7.2)
Ms Julie McCullagh, Finance and Governance Officer
Mr Jim Montgomery (Internal Audit)

Welcome

1. The Convener called the meeting to order at 10:04 and welcomed all present. The convener warmly welcomed Jim Montgomery from Internal Audit to observe the meeting.

Apologies

2. The Convener noted apologies submitted by Mr Geoffrey Tordzro-Taylor.

Declarations of Interest

3. The Convener called for declarations of interest.
4. The Convener noted no declarations were submitted.

Approval of Previous Minutes

5. Board Minutes – 17 October 2022

- 5.1. The Board reviewed and, subject to the correction of typographical errors, approved the minutes from the Board meeting held on the 17 October 2022.

Matters Arising

6. The Board noted no matters arising.

Agenda Items

7. Chief Executive Update – Board Paper 985

- 7.1. The Chief Executive presented the paper and informed the Board of RMA's ongoing consultation in the Domestic Abuse Bill and the National Care Service, the involvement in scoping the review of the Independent Review of Victim Notification Scheme and engagement with agencies and groups over responses to the Victim's Code for Scotland, the Restorative Justice Action Plan and counter terrorism.
- 7.2. The Convenor provided a verbal update following his meeting with the Cabinet Secretary as he had taken the opportunity to discuss prioritising ongoing funding levels and more strategic use of the RMA as a resource. A discussion also took place regarding identification of reputational and political risk in the sector at agency crossover points.
- 7.3. Jim Montgomery advised there exists an escalation route to Scottish Government's Audit and Assurance Committee for largescale reputational or political risk which is governed by the Director General of Education and Justice.
- 7.4. The Board noted the Chief Executive Update.

8. Response to the Bail and Release Consultation – Board Paper 986

- 8.1. The Head of Effective Practice updated the Board on the Response to the Bail and Release Consultation and sought approval for a proposal to the Scottish Government for the RMA to be included as a 'must be consulted body' within the Throughcare Support section of the Bill.
- 8.2. The Board agreed this aligns with the vision of the RMA and approved the proposal.

9. RMA Response to the Domestic Abuse (Prevention) Bill – Board Paper 987

- 9.1. The Head of Effective Practice presented the RMA's response to the Domestic Abuse Bill, which had been provisionally submitted, subject to the Board's approval. The Head of Effective confirmed the following responses were submitted:
 - Domestic Abuse Register – Fully Opposed
 - Mandatory rehabilitation measures – Fully Opposed
 - Data – Partially supportive
 - Education – Partially supportive

- 9.2. The Board thanked all those involved, especially the Research Assistant, and considered that, subject to typographical errors, the consultation response was approved.

10. Judicial Review Decision– Board Paper 991

- 10.1. The Effective Practice Lead presented a paper on a recent Judicial Review Decision and advised the outcome of the reclaiming motion (appeal). A further update, along with impact assessment on the RMA would be provided once the SPS decision on any policy changes is known.
- 10.2. Members noted the contents of the Judicial Review Decision.

11. RMP Implementation Case – Board Paper 988

- 11.1. The OLR Lead presented a case paper on RMP Implementation and advised the board all actions required within the implementation plan have been now been fulfilled.
- 11.2. The Board were content a suitable plan was in place and implementation had been evidenced so far. It was agreed the proposed direction would be withdrawn in January if the final progress record submission demonstrates no issues.

12. OLR and Detention Pending Deportation – Board Paper 989

- 12.1. The OLR Lead presented the OLR and Detention Pending Deportation paper to the Board. It was highlighted that the RMA's position regarding the deportation of persons subject to the OLR, specifically with regard to the preparation and review of risk management plans (RMPs) for the period between release by the Parole Board and deportation was not considered in legislation.
- 12.2. The Head of OLR confirmed plans to seek to address this with the agencies involved and had arranged a meeting with Home Office officials in January 2023.
- 12.3. The Board noted the OLR and Detention Pending Deportation paper.

13. Quarterly OLR Performance Report – Board Paper 990

- 13.1. The Head of OLR presented the Quarterly OLR Performance Report to the Board and highlighted that all KPI's set for the year were exceeded, with an improving picture in the RAR Quality Assurance Evaluations.
- 13.2. The Head of OLR also gave a verbal update on the continued monitoring of plans and agency compliance with procedure following serious incidents. The Board requested a small amount of further detail into serious incidents be included in future reports.

13.3. The Board noted the contents of the Quarterly OLR Performance Report and commented that the RAR process was new and content to see an improving picture.

14. IPP Sentence Review – Board Paper 1001

14.1. The Head of OLR presented the IPP sentence Review paper to Board Members and highlighted the potential implications for the RMA.

14.2. The Head of OLR also provided a verbal update on information published since the report was drafted which could influence the RMA's review and recommendations for the OLR.

14.3. Board Members noted the IPP Sentence Review paper.

15. Mid-Year Financial Management Report – Board Paper 992

15.1. The Director Corporate Services presented the Mid-Year Financial Management Report to the Board and highlighted the projected year end underspend and that assurance will continue to be sought from the Scottish Government Sponsor Department with regard to future baseline funding. It was noted that this would likely be part of discussions following the Deputy First Minister's announcement of the budget on 15th December 2022.

15.2. The Chief Executive verbally updated the Board with plans to recruit staff to fill the three vacancies at the earliest opportunity. It was noted that the Director Corporate Services would continue to seek funding for alternative structure to address audit recommendations and the business case for this would be presented to the Board in February 2023.

15.3. The Board noted the contents of the Mid-Year Financial Management Report.

16. Mid-Year Business Plan Performance Report – Board Paper 993

16.1. The Director Corporate Services presented the Mid-Year Business Plan Performance Report to the Board and highlighted those objectives delayed or deferred due to the LS/CMI review and lack of resources in the business team.

16.2. The Board were assured that despite these delays the RMA is progressing well towards the delivery of agreed objectives and noted the contents of the Mid-Year Business Plan Performance Report.

17. Quarterly Review Corporate Risk Register Report – Board Paper 994

17.1. The Director Corporate Services presented the Quarterly Corporate Risk Register Report to the Board and advised that five risks were currently being treated after two risks were moved to Tolerate and one to Terminate. It was also highlighted that while the score for SG Funding had decreased this was due to a review of the scoring system but that the risk remained extremely high that the RMA would

not receive the funding it requires. The Director Corporate Services advised on the increasing threat of industrial action which may impact the RMA.

17.2. The Head of OLR explained that the risk 'Changes to OLR demographic' related specifically to individuals on the OLR being released into the community. Risks relating to deportation would be better captured under a separate risk, This will be considered and added to the risk register if appropriate.

Action: HOLR

17.3. The Director of Corporate Services advised the reviewed Corporate Risk Strategy would be presented to the board in February 2023.

17.4. The Board noted the contents of the Quarterly Corporate Risk Register Report.

18. Mid-Year FOI Report – Board Paper 995

18.1. The Director Corporate Services presented the Mid-Year FOI Report to the Board.

18.2. The Board noted the contents of the Mid-Year FOI Report.

19. Staff Pay Offer Update – Board Paper 984

19.1. The Director Corporate Services updated the Board on the Staff Pay Offer which had required revision since the last board meeting to keep within the 5% envelope determined by the Scottish Government. It was noted the final offer was constructed in conjunction with PCS, an update paper published to the board via Diligent on 31st October 2022 and staff had received the pay award, backdated to 1st April, in the November 2022 payroll.

19.2. It was acknowledged how little autonomy the RMA has over pay and the Director Corporate Services advised the board a paper, exploring the move to an analogue pay arrangement within the central bargaining unit, would be presented to the board at the earliest opportunity.

19.3. The Board welcomed this exploration of pay arrangements and noted the Staff Pay Offer update.

20. Mid-Year Human Resource Performance Report – Board Paper 996

20.1. The Director Corporate Services presented the Mid-Year Human Resource Performance Report to the Board and highlighted the emerging absence issue, a widening gender pay gap and the continuing hybrid working trial. The board were advised that a staff survey to inform the development of permanent change to working arrangements was currently being analysed and would be presented to the board in February 2023.

20.2. The Board acknowledged the data skew in the gender pay analysis given the RMA's small number of employees and noted the contents of the Mid-Year Human Resource Performance Report.

21. Annual Report and Accounts 2021-22 – Board Paper 1002

- 21.1. The Director Corporate Services presented the Annual Report and Accounts 2021-22 to the Board and highlighted the report and accounts had been approved by the auditors and scheduled to be laid before Parliament on the 16th December 2022. The Director Corporate Services advised the Board on the challenges faced by the timetable set by the auditor given the stretched resources and competing priorities in the business planning and budgeting processes.
- 21.2. It was acknowledged that, while the structure is governed by the reporting framework, consideration be given to a review of the length of the 2022-23 report.
- 21.3. The Board expressed their sincere thanks to the Director Corporate Services for completing the comprehensive report and to all involved for their help. The Board were confident this report fully discharged their reporting responsibilities.

22. Review Committee Terms of Reference and Member Composition – Board Paper 997

- 22.1. The Director Corporate Services presented the Committee Terms of Reference and Member Composition the Board.
- 22.2. The Board reviewed and approved the Committee Terms of Reference and Member Composition.
- 22.3. The Board agreed to defer the Board Paper part until the February 2023 meeting.

23. Review Board and Committee Meeting Schedule 2023-24 – Board Paper 998

- 23.1. The Chief Executive provided a verbal update on the timeline for the recruitment process for the new committee members and highlighted that, while it was hoped the new members be in place for the end of March 2023, this may slip and the Board should consider contingency temporary arrangements.
- 23.2. The Board reviewed and approved the meeting schedule for 2023-24 and the Director Corporate Services requested members update their diaries with the meeting dates and confirmed this would form part of the recruitment pack for new members.

24. Review Standing Orders – Board Paper 999

- 24.1. The Director Corporate Services presented the Standing Orders to the Board for review.
- 24.2. The Board reviewed and approved the unchanged Standing Orders.

25. Review Scheme of Delegation – Board Paper 1003

25.1. The Director Corporate Services presented the Scheme of Delegation for review to the Board.

25.2. The Board reviewed and approved the unchanged Scheme of Delegation.

26. Review Board Member Register of Interest – Board Paper 1000

26.1. The Director Corporate Services presented the Register of Interest for review to the Board and requested any updates be advised directly.

26.2. The Board reviewed and approved the Member Register of Interest.

AOCB

27. The Chief Executive brought forward a new risk to the Boards attention that had only recently emerged. This concerned an IT provider with potential data protection implications for the RMA in its role of data controller. The Board were advised a review would be undertaken and be lodged on the risk register.

28. The Convener invited Jim Montgomery from Internal Audit to comment on the Board proceedings. Jim Montgomery thanked the Board for the chance to observe and noted the Board's professionalism and passion. He had also observed the RMA's committees and would meet with the Director Corporate Services later in the week to discuss his emerging findings.

Date of Next Meeting

29. The Board noted the next meeting is scheduled for 20 February 2023.

30. The Chair thanked everyone for attending and wished everyone a happy festive period and closed the meeting at 13:19.