

RISK MANAGEMENT AUTHORITY

Board Meeting

15 April 2019, RMA, Paisley

Board Meeting Minutes

Present

Mr David Crawford - Chair
Mr Stephen Swan
Dr Aileen Burnett
Mr Terry Powell
Mr Chris Hawkes
Ms Michele Gilluley
Mr Stephen McAllister
Ms Jane Davey

In Attendance

Ms Yvonne Gailey, Chief Executive
Mr Paul Keoghan, Director of Corporate Services (points 1 to 36)
Mr Paul Foy, Governance & Communications Officer (points 7 to 13 and points 36 to 43)

Welcome

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

Apologies

2. There were no apologies.

Declarations of Interest

3. There were no declarations of interest.

Approval of Previous Minutes

4. The Board reviewed and approved the minutes from the Board meeting held on the 18th of February 2019.

Matters Arising

5. The Chief Executive gave an update on procedures regarding deaths in custody, advising that she had discussed matters with the sponsor department. The Board were agreed the RMA should be mindful of its responsibilities but not exceed them, or overlap with functions of other agencies. It was noted that any death in custody would be the subject of a fatal accident enquiry, hence the RMA may be asked to contribute.
6. The Chief Executive advised Members the RMA's lawyers have been asked to review OLR procedures, including the RMP approval process; and the results of the review will be communicated to the Board in due course.

Corporate Risk Strategy – Board Paper 761

7. Mr Foy joined the meeting and proceeded to present the revised Corporate Risk Strategy to the Board.
8. The Board were advised the Corporate Risk Strategy had been subject to a major review and contained a number of changes over the previous strategy. The Board reviewed the update, which contained a policy statement and approach to risk; the roles and accountabilities for staff, Committee and Board; details regarding the technical side of how risks are identified, monitored, recorded and reported; and the new risk register format. Another new addition was the development of risk impact descriptions, which frame the risks and aid in the assessment of consequence scores for each.
9. The Board approved the new strategy noting the revised strategy improved corporate systems for identifying and managing risk.

Corporate Risk Register – Board Paper 762

10. Mr Foy presented the Corporate Risk Register to the Board and focused on the changes to the register resulting from the revised strategy. The Board discussed the risk register, highlighting the highest current risk which concerns changes to OLR demographics presenting challenges to RMA processes and resources. Staff advised that support is currently being provided to local authorities on a case by case basis, and that treatment plans are being developed to enhance and formalise this into a package of support. These plans will seek to deliver a targeted approach, to ensure requirements and responsibilities are understood, and that support is provided as and when needed.
11. The Board were content with the revisions to the corporate risk register and the approach being taken to address the issues posed by changes to OLR demographics.

Annual Report & Accounts update - Board Paper 763

12. The Board were given an update on the annual report and accounts timetable. Staff advised that the annual report and accounts have been drafted and reviewed by the management team, and will shortly be issued to the RMA's external designer. The updated design draft will then be provided to Members for comment and review, prior to the auditors review w/c 13th of May. The Board were content with those arrangements.

Action: DCS

13. Mr Foy left the meeting.

Budget Amendment – Board Paper 764

14. The Director advised the Board of an amendment to the 2019-20 budget, following the announcement of an increase to employer pension contributions, effective from 1 April 2019. The revised pension rates will increase RMA pension costs by £45,000 for 2019-20. The Board discussed proposed amendment which included to release £20k from the capital budget (due to the landlord absorbing planned renovation costs) and £25k from the staff budget (realised by delaying a senior caseworker recruitment by 3 months).

15. Members were advised that the RMA will need to seek agreement from the sponsor department to release the capital budget; and that the five-year budget plan is currently being revised and will be provided at the next Board meeting.

Action: DCS

16. The Board noted that there were limited options available to meet the increased pension costs and approved the proposed amendments to the budget.

Petition for sequestration – Board Paper 765

17. Members were informed the Board of the Scottish Criminal Cases Review Commission (SCCRC) were seeking to raise a petition for sequestration against an litigant who had recently failed in several legal actions against the SCCRC, SPS and the RMA. The SCCRC Board had approached SPS and the RMA with a view to creating a joint submission against this individual in order to reduce legal costs. The Board were advised the litigant owed the RMA £83k, and considering the RMA's duty to protect public funds it was recommended the RMA joined with SPS and the SCCRC in a petition for sequestration; subject to the shared legal costs being held at a reasonable level.

18. The Board noted that sums owed would require to be inserted into the RMA's accounts; and that a write-off process would also need to be developed, given the prospect of the litigant having insufficient funds to meet his debts.

19. The Board discussed the merits of pursuing this action and were agreed that there was a point of principle in doing so, noting that responsible management of public funds required public bodies to attempt to recoup any debts, prior to invoking write off procedures.

20. The Board therefore confirmed that the RMA would register its debt as part of the sequestration.

Action Point: DCS

21. The Board enquired whether the joint action proposal was the most cost-effective solution and instructed that staff identify and take forward the option that invoked the least cost e.g. it may be cheaper for one of the three organisations to lead the petition, with the other two bodies providing a contribution towards their legal fees.

Action Point: DCS

22. The Board also agreed the RMA should develop a formal policy to govern procedures of debt management and write-offs.

Action Point: DCS

Board Performance Review – Board Paper 766

23. The Board discussed the performance review and identified that measures should be implemented to maintain and enhance Member's ongoing levels of awareness and engagement following the move to bi-monthly meetings. To this end, it was agreed that spaces in the meeting calendar would be utilised for additional items such as conference calls, Board workshops, an annual Board away day; and staff 'showcase' items (enabling Members to increase their interaction with the staff group through presentations on current priority items of work).

Action Point: DCS

Register of Interests – Board Paper 767

24. The Board noted the Member's Register of Interests and were informed the register will be published on the RMA's website. Members were asked to update staff if/when changes were required.

Review of Standing Orders – Board Paper 768

25. The Director advised that there were no proposed amendments or changes to the standing orders, and they were noted by the Board.
26. The Chair advised that the appointments of Board and Committee vice chairs will be taken forward once the Board appraisals were complete.

Scheme of Delegation – Board Paper 769

27. The Director advised that there were no proposed amendments or changes to the scheme of delegation, and it was noted by the Board.

Code of Conduct – Board paper 770

28. The Director advised there were no proposed amendments or changes to the code of conduct, and it was noted by the Board. Members were informed that the Commissioner for Ethical Standards in Public Life is preparing a new Model Code, which will be provided to the Board when released.

Office Lease Renewal – Board Paper 771

29. The Director introduced the paper, advising the Board the lease agreement covering the RMA office expires on 3 December 2019 and the RMA appointed Chartered Surveyors Graham + Sibbald to negotiate lease renewal terms with the landlord. The proposal negotiated by Graham + Sibbald is for a 10 year lease renewal, with a tenant break option at year 5; a rent increase from £38,350 to £39,750 per annum; and plans for the landlord to renovate the office to form a kitchen area and training space. The surveyors value the cost of renovations at £40k which will be provided at zero cost to the RMA.
30. The Director advised that a review of the government estate had been conducted, which confirmed there were no comparative premises available. The Scottish Government have asked the RMA to produce a comparative report of the local Paisley area, however it is anticipated that a better financial deal is unlikely to be found, given the inclusion of relocation costs.
31. The Board were content with the terms of the lease renewal proposal, commenting that the break option was helpful; and they welcomed the development of a training facility. The Board approved the proposals for office lease renewal as presented.

Accreditation Governance

32. There were no matters to report.

Policy and Research

33. There were no matter to report.

Standards and Guidelines

34. There were no matters to report.

Training

35. There were no matters to report.

CORPORATE GOVERNANCE

Committee Minutes

Remuneration Committee Minutes – 18 February 2019

36. The Remuneration Committee minutes from the 18th of February were noted.

CE Recruitment

37. Paul Keoghan left the meeting. Paul Foy joined the meeting.
38. The Chair provided an update to members on the Chief Executive recruitment, advising that arrangements had been discussed with the Sponsor Department, who had provided their requirements for the CE recruitment process. The RMA had engaged with four recruitment consultants, from which two bids were received. Following an evaluation exercise, Aspen People Ltd were identified as providing the most efficient solution and had been appointed to manage the campaign.
39. The Chair advised that discussions had been held with Scottish Government regarding the CE salary position, building upon the work of the Remuneration Committee over the past year. It was accepted that applying a standard 10% reduction would provide an insufficient differential between the CE and grade below.
40. The CE contract is currently being revised, involving a review by Scottish Government's legal advisors, to finalise various aspects including the probation period. However, this process will not delay matters: approval has now been provided by the Sponsor Department to activate the recruitment process, with agreement made to continue the contract revision process in tandem.
41. Interview dates have been confirmed for the 24th and 25th of June 2019, to be held at St Andrews House. The panel will consist of David Crawford, Aileen Burnett, Stephen Swan and Donna McKinnon, Deputy Director. Amy Gordon from Aspen People and Yvonne Gailey will provide support. An appointment will require to be approved by the Minister, hence the panel's function will be to provide a recommended candidate. The Chair was advised that the Minister may wish to meet the recommended candidate, hence the announcement of the new CE will be coordinated with Scottish Government's communications teams. An appropriate handover period between the new and existing Chief Executive will be implemented if notice periods can be aligned to allow it.
42. The Board received an overview of the recruitment microsite and were advised that staff will support Aspen's circulation of the vacancy through posts on the RMA website, twitter feed, mailing list and a myjobscotland advert. It was agreed that the

Chief Executive would review the microsite wording and content prior to going live. Links to the microsite and the revised timeline will be sent to all Members for information. The Board noted that the recruitment timeline tied in well with the scheduled Board meetings in June and August.

Other Competent Business

43. The Chair thanked those present for their contributions and brought the meeting to a close.

Date of Next Meeting – 17 June 2019