

RISK MANAGEMENT AUTHORITY

Board Meeting

15 February 2021, Video Conference

Board Meeting Minutes

Present

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

In Attendance

Mr Mark McSherry, Chief Executive
Mr Paul Keoghan, Director Corporate Services
Mr Geoffrey Tordzro-Taylor, Head of Development
Mrs Debbie Campbell, Head of OLR
Ms Elaine Ferguson, Effective Practice Lead Policy (attended 13.1 – 13.10)

Welcome

1. The Chair called the meeting to order and welcomed all present.

Apologies

2. The Chair noted apologies received from Ms Lesley Weber, Head of Effective Practice.

Declarations of Interest

3. No declarations of interest were noted

Approval of Previous Minutes

4. Members reviewed and approved the minutes from the Board meeting held on the 14 December 2020.

Matters Arising

5. The Chair updated Members on Board appointments and stated that new appointments are expected to be confirmed in March.

RMP & AIR Business

6. Quarterly OLR Performance Report – Board Paper 876

- 6.1. The Head of OLR presented the OLR performance report for Q3. The Board were provided with an update on a specific AIR report and the guidance issued to the lead authority. The Board were also presented with an update on key OLR performance and confirmed the AIR backlog was cleared.
- 6.2. The Board were also informed the level of rejections of plans submitted by private prisons was a concern. The Board were assured that the matter had been escalated to the relevant prison Governor and training needs were being identified.
- 6.3. The Board discussed concerns of Members and particularly new members being detached from RMP case work. The Board held that it was integral to their functions that this did not occur and requested a sample of plans which reflected a rejection; recall and return from open estate be presented to the April Board for review.

Action: HOLR

- 6.4. The Head informed the Board that revised procedures relating to recalls and death in custody are due to be submitted to the April Board. The Board agreed that revised procedures relating to recalls and death in custody may need to include provision for continued Board review and that the draft procedures be delayed in order that recommendations that may emerge from the April review be incorporated.

Action: HOLR

- 6.5. The Board noted the paper and thanked the Head of OLR for the comprehensive presentation. The Board also welcomed the fact the RMP and AIR backlog was now cleared and requested their thanks be passed to all concerned for their efforts.

Accreditation Governance

7. Accreditation Project – Verbal Update

- 7.1. The Head of OLR provided a verbal update on the progress of the Accreditation project. The Board were informed a project manager had been appointed on a fixed term basis to lead the review of current accreditation processes and the outputs of the review will result in a restructured accreditation process and a move to a digital format. The Board were also informed that the criteria and competencies are being reviewed and will inform the drafting of a supporting policy which is expected to be concluded in the next few weeks. The Accreditation Committee will convene to review the criteria and competencies and the project plan for accreditation.
- 7.2. The Board noted the verbal update.

Policy & Research

8. No matters were reported.

Standards and Guidelines

9. No matters were reported.

Training

10. No matters were reported.

Corporate Governance

11. Chief Executive Update – Verbal Report

11.1. The Chief Executive provided a verbal update and informed the Board of the following developments:

- (i) The Chief Executive met with the Cabinet Secretary for Justice in January and agreed that the RMA would provide Ministerial advice on the proposed UK Government Counter Terrorism and Sentencing Bill.
- (ii) The Chief Executive held a constructive meeting with the Chief Social Work advisor and further meetings are scheduled for later in the month.
- (iii) The Chief Executive confirmed the RMA has been invited to participate in the Recover, Renew and Transform project..
- (iv) The Chief Executive held a meeting with Parole Scotland where it was agreed the RMA will conduct a training needs analysis for parole board members in relation to risk assessment and risk management.
- (v) The Chief Executive confirmed the RMA is participating in the SPS progression group which aims to share views on alternative approaches to measure progression in custody. The Board noted the recent recommendation made by HMIPS on progression and the CE will be meeting with the CE of HMIPS in the coming weeks.
- (vi) The Chief Executive informed the Board the Mr Joe Griffin has been appointed as the new Director General for Justice and Education.

11.2. The Board noted the verbal update.

12. Local Authority Engagement Strategy – Board Paper 877

12.1. The Director of Corporate Services presented the paper to the Board and provided an update on the progress of the local authority engagement strategy project.

12.2. The Board noted the paper.

13. Counter Terrorism and Sentencing Bill - Board Paper 878

13.1. Ms Elaine Ferguson joined the meeting.

13.2. The Effective Practice Lead provided an overview of the Bill and highlighted the key risks posed to the RMA. The Board were informed the proposal to introduce the fixing of a 14 year minimum punishment part for terrorist offenders together with the lack of interventions to support such offenders has the risk of introducing a two tiered OLR system with OLR terrorist offenders at risk of being subject to disproportionate punishment.

13.3. The Chief Executive informed the Board two risks are currently recorded on Corporate risk register in relation to this matter and agreed a further should be added to capture the impact the two tier system approach presents to the original legislative intent of the OLR process.

Action: HEP

13.4. The Chief Executive informed the Board the RMA had also agreed to provide Ministerial advice on this matter to the Cabinet Secretary. The Chief Executive confirmed the advice will be revised version of the discussion paper. The Board requested a copy of the Ministerial advice be submitted to the Board for approval prior to submission to the Cabinet Secretary.

Action: CE

13.5. The Board, noting the Bill's timescales, raised concerns regarding preparedness and requested an paper be prepared on the assumption the Bill proceeds to law in its current form. The CE confirmed that this is an identified strategic objective in the draft business plan for 2021-2022 and that work on this will be ongoing throughout the business year.

Action: HEP

13.6. The Board noted the report.

13.7. Ms Ferguson left the meeting.

14. Consultation – Ethical Standards in Public Life – Verbal

14.1. The Chief Executive provided an update to the Board and confirmed feedback was submitted to the consultation on Ethical Standards in Public Life as previously circulated.

14.2. The Board noted the verbal update.

15. Quarterly Financial Management Report - Board Paper 880

15.1. The Director Corporate Services presented the financial management report to the Board and informed Members as of the end of December the RMA was forecasting a year-end underspend of £106,207. The Director stated the underspend can be attributed to the high level of staff vacancies over the first

half of the year. The Director also noted the outturn included £33,000 in relation to legal costs for two judicial reviews. The Director also highlighted it was likely that legal costs of this nature will become more regular and should be expected to present challenges to future resources.

15.2. The Board noted the paper.

16. Quarterly Business Plan Performance Report - Board Paper 881

16.1. The Director Corporate Services presented the business plan performance report which focussed on the delivery of annual objectives. The Director highlighted that the Training objectives have been impacted by COVID and will not be delivered this year. The Board were also informed that significant progress has been made to converting current training courses to an online format with plans to deliver a risk practice training course to Social workers in May.

16.2. The Board noted the paper.

17. Business Plan 2021-22 - Board Paper 882

17.1. The Chief Executive introduced the business plan for 2021-22 noting it was an ambitious plan but also reflected the recent increase in resources.

17.2. The SMT reviewed with Members detailed contents of the plan which included 7 strategic objectives; 18 operational objectives and 16 continuous improvement objectives.

17.3. The Chief Executive informed the Board the plan may be subject to minor amendments as some objectives were dependent upon partner engagement which was in the process of being secured.

17.4. The Board agreed, that subject to any feedback submitted to the Director Corporate Services by 20th February, the business plan for 2021-22 was approved.

17.5. The Board thanked all those involved in the development of the business plan.

18. Financial Budget 2021-22 - Board Paper 883

18.1. The Director Corporate Services presented the proposed financial budget for 2021-22.

18.2. The Director informed the Board the proposed budget was produced on a flat line basis as funding was anticipated to remain unchanged at £1,745,000. The Director reviewed the key assumptions contained within the budget while also noting that the budget assumes functions remain unchanged.

18.3. The Director informed the Board that following the recent restructure the budget has been prepared on a departmental basis with a view to increase accountability and efficiency.

18.4. The Board noted and approved the proposed budget for 2021-22

Committee Minutes

19. There were no Committee for noting.

Items for Noting

20. **Monthly Community Justice Brief**

20.1. The Board noted the updated brief.

21. **Independent Review of Adult Social Care in Scotland**

21.1. The Board noted the independent review.

AOCB

22. The Chair asked members if there were any other competent business.

23. No further matters were raised.

Date of Next Meeting

24. Chair noted the date for the next Board meeting was scheduled for 19 April 2021.

25. The Chair thanked everyone for attending and closed the meeting.