

RISK MANAGEMENT AUTHORITY

Board Meeting

17 June 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 (teleconference)

In Attendance

Ms Yvonne Gailey, Chief Executive
Mr Paul Keoghan, Director of Corporate Services (points 1 to 8, and 10 to 36)
Mr Mark McSherry, Head of Risk Practice (points 10 to 21)

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 15th of April 2019.

Matters Arising

5. The Chief Executive informed the Board that she had discussed deaths in custody with the sponsor department. They advised that they had considered the matter separately with SPS and were of the opinion that the RMA did not have a direct role in such matters. They did however confirm that it was correct for SPS to keep the RMA informed to allow records to be updated.
6. The Board were advised that no update had been received as yet from SCCRC on the joint sequestration action.
7. The Board were advised that the office lease renewal process was progressing. Scottish Government responded to the initial business case submission and

requested a market comparison report be completed. This market report has been produced and the business case will be resubmitted to Scottish Government for approval.

8. Mr Keoghan left the meeting.
9. The Convener updated members on the Chief Executive recruitment campaign. Interviews are scheduled to take place on the 24th of June, with the panel comprising Mr Crawford, Dr Burnett, Mr Swan; and Ms McKinnon from the Scottish Government. The vacancy received a good response, with eleven suitable applications received, from which five candidates were selected for interview. Following the conclusion of interviews, the panel will provide their submission to the Cabinet Secretary for Justice. Members will then be advised of the outcome as soon as possible.
10. Mr Keoghan & Mr McSherry joined the meeting.

OLR and Progression Data

11. The Chief Executive delivered a presentation on OLR data. Members were advised that this work contributed to both the RMA's function to keep practice under review; and provide advice to Scottish Ministers. The focus of this particular review was to gather statistical information on the progression of individuals sentenced to an OLR. Members were advised that at 31 March 2019 there were 180 active OLR cases, of which 121 were past their punishment part expiry date (note this figure includes one case based in the English system and three cases subject to deportation orders, which are ineligible for progression). The figures showed that:
 - i. 3% had progressed to the community
 - ii. 9% had progressed to open estate
 - iii. 17% had progressed to national top end; and
 - iv. 71% had no progression to date.
12. The figures provided distinct groupings, with progression being actively planned for some individuals; individuals where progression was not considered currently; and others who were on a negative trajectory, with no progression planned. Members were advised that the data demonstrated that progression is occurring, however a further study to better understand the barriers to progression would warrant consideration.
13. Members were given graphical information on interventions, to show where interventions had been completed, disrupted or refused.
14. The Board thanked the Chief Executive for the helpful presentation and commented that while a proportion of OLR offenders currently remained a high risk and unmanageable in the community, it could be seen that progress was being made and opportunities were being provided. It was highlighted that the RMP and AIR process contributed positively to the progress by maintaining focus and close oversight.
15. The Board were advised that the presentation will be developed into an advice paper for August's meeting, leading to a paper being submitted to Scottish Ministers. It was also noted that there was prospect of the RMA undertaking a joint piece of OLR research with a PhD student, to potentially commence later in the year.

Action Point: CE

Whole Life Custody (Scotland) Bill - Board Paper 779

16. The Board were advised that the Whole Life Custody (Scotland) Bill was debated in the Scottish Parliament last week and that the OLR sentence was raised as part of this debate. The Board noted that the Bill looked specifically at murder, which is not applicable to the OLR, however the Board were agreed that the RMA's Chief Executive would provide a response to the consultation, limited to comment upon the OLR (and what the potential implications for the OLR sentence could be); and reference to case law regarding the human rights aspects of whole life sentences.

Action Point: CE

Accreditation Governance

17. There were no matters to report.

Policy and Research

18. There were no matter to report.

Standards and Guidelines

19. There were no matters to report.

Training

20. There were no matters to report.
21. Mr McSherry left the meeting.

CORPORATE GOVERNANCE

Committee Self-evaluation Reports - Board Paper 772

22. The Committee self-evaluation reports were noted.

Financial Sustainability - 5 Year Financial Plan - Board Paper 773

23. The Director presented the outline five-year financial plan, which was based upon a maintenance of current services alongside provisions for increasing OLR caseloads. The Director advised that the RMA's financial sustainability had formed a focus item for the external auditor's report.
24. Members noted that while the RMA's budget for 2019-20 had remained at £1.3m, with no uplift from the previous year, costs had increased by £83k. It was highlighted that the RMA had recently been advised that £33k of these costs, which related to increased pension costs, would be returned to the RMA.
25. The Board were advised that the RMA had delivered efficiencies, including a recurring saving of £78k via the implementation of a revised staff structure, however the financial projections indicated a cumulative shortfall of £1.1m by 2024-25. The key element of this increase concerned staff costs. It was noted that these projections were endorsed by external auditors, who confirmed the figures to be realistic and based upon sound projections.

26. In terms of the way forward, staff advised that they will engage with the sponsor department on the issue of financial sustainability, and will discuss the plan in detail at July's scheduled sponsor meeting. The Board welcomed advice that the sponsor team were supportive of the RMA and had requested a five year plan to better understand and be assured of the RMA's financial planning arrangements. The Board highlighted that the cycle was similar to previous years, and that while the incremental increases were small, they posed a significant cumulative risk. The Board noted that it was helpful for the RMA to demonstrate its advance planning activities.
27. The Convener advised that he would take the opportunity to raise this issue at his next regular meeting with the justice department scheduled for early July. The Board highlighted that the RMA's projections were based upon current working practices, and as such requested that efforts were made to explore all sources of potential efficiencies, including advances in information technology, automation, and amended working practices / approaches.

Action: DCS

Vice Convener and Vice Chair of Committee Appointments - Board Paper 774

28. Members were informed that Dr Burnett had accepted the position of Vice Convener of the Board; and Mr Hawkes had accepted the position of Vice Chair of the Audit and Assurance Committee. The Vice Chair of the Accreditation Committee will be confirmed at October's meeting.

CPD Events - Board Paper 775

29. The CPD events bulletin was noted.

Board Development Sessions - Board Paper 776

30. The Board discussed plans to host development sessions and clarified that their preference was for sessions that provided an opportunity to hear external stakeholder viewpoints and perspectives first hand, on areas that might include RMA systems and processes; or procedures that could be enhanced or made more efficient. It was agreed that the first session should take place at August's Board meeting.

Action Point: DCS

Committee Minutes

31. The Board noted the minutes from the Accreditation Committee meeting held on the 18th of February.
32. The Board noted the minutes from the Remuneration Committee meeting held on the 18th of February.
33. The Board noted the minutes from the Audit & Assurance Committee meeting held on the 18th of February.

RMA Annual Report and Accounts 2018-19 - Board Paper 777

34. The Board noted the Annual Report and Accounts for 2018-19. The Board were advised that these were approved for signing at the Audit & Assurance Committee

earlier that day. The report will now be submitted to the auditor general and laid before Parliament; and thereafter published on the RMA website.

Other Competent Business

35. The Board requested details of Anderson Strathern's review of RMA processes and procedures. Staff advised that the RMA had commissioned Anderson Strathern to consider the alignment of OLR processes to legislation and provide guidance on how the legislation had been interpreted. The review would seek to identify any gaps or ambiguities and inform future delivery of services. Anderson Strathern is scheduled to submit their report late July and findings will be presented to at a future Board meeting.
36. The Chair thanked those present for their contributions and brought the meeting to a close.

Date of Next Meeting – 19 August 2019