

RISK MANAGEMENT AUTHORITY

Board Meeting

19 August 2019, RMA, Paisley

Board Meeting Minutes

Present

Mr David Crawford - Chair
Mr Stephen Swan
Dr Aileen Burnett
Mr Stephen McAllister
Ms Jane Davey (teleconference)

In Attendance

Ms Yvonne Gailey, Chief Executive
Mr Paul Keoghan, Director of Corporate Services
Mr Mark McSherry, Head of Risk Practice

Welcome

1. The Chair gave a warm welcome to all present. Congratulations were extended to Mr McSherry on his appointment as Chief Executive, with the Board offering their help and assistance during the transition into his new role in September.

Apologies

2. There were apologies from Ms Michele Gilluley, Mr Chris Hawkes and Mr Terry Powell.

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 17th of June 2019.

Matters Arising

5. The Board requested a progress update on the office lease renewal and were advised that Scottish Government had approved the RMA's plans, hence matters were now progressing with the legal aspects of the lease arrangements.
6. The Chief Executive provided an update on last month's discussions regarding OLR progression. Since the last Board meeting, the Scottish Government had contacted the RMA requesting information on the same subject, to increase their awareness and understanding of OLR progression from both Government and MAPPA policy perspectives. Staff had subsequently invited Scottish Government colleagues to a meeting in July to discuss matters in detail.

7. The Chief Executive advised that those discussions had touched on the need for further knowledge and understanding on areas such as researching the barriers to progression; the availability of forensic mental health services and clinical services; and provisions for learning disabilities. The Chief Executive informed the Board that any future paper should go beyond being an update on current status to include advice and recommendations. The Board were informed that although this would be a sizeable task, it was achievable given the data available. The Chief Executive noted timescale and resources for this work remain to be formalised, however meetings have been scheduled to take this forward as soon as possible.

Action: CE

8. A broad overview of progression data will also be provided at the MAPPA Strategic Group meeting in September; and potentially with SPS.
9. The Board welcomed these developments and the Scottish Government's attention to OLR progression matters. The Board recognised the RMA's duty to provide advice to ministers and noted that such support could take many forms at different levels, from initial meetings and discussions to formally submitted papers. The Board agreed that RMA advice should highlight issues, challenges and consequences; but also point to where potential solutions lay.

Financial Planning

10. The Director advised members that a meeting was held with the sponsor department last week to review the RMA's financial sustainability. The sponsor team acknowledged the need for sufficient resource to fulfil statutory functions including research; and that there would be additional requirements caused by ongoing increases in case work. It was recognised at the meeting that the RMA's current plans were based upon a maintenance budget, which meant any new research work would require business cases to be developed. The sponsor team's focus on innovation was also well received. The Board welcomed the positive discussions and were encouraged by the sponsor's supportive consideration of the RMA's financial position and the value they placed upon the RMA's work.
11. The Board requested an update on the recent RMA staff changes. Prior to his appointment as Chief Executive, Mr McSherry had taken up post as Head of Risk Practice – at the time, this recruitment campaign had identified one other candidate as being appointable. Following the conclusion of the Chief Executive campaign, a decision was therefore made to approach the other appointable candidate and subsequently Mr Geoff Taylor has now been confirmed as the new Head of Risk Practice. Both Mr McSherry and Mr Taylor will take up post at the beginning of September. The vacant Risk Practice Lead (Delivery) post was also filled in August following an internal recruitment process, with Mr Ross Pollock appointed to this role. The RMA is currently undertaking a further external campaign for the Risk Practice Lead (Development) post; and will shortly advertise for a Senior OLR Caseworker.
12. The Board supported these appointments and also highlighted the need to consider gender balance when recruiting for future opportunities.

OLR Short Life Working Group – Board Paper 780

13. Members were given information on a joint SPS / RMA Short Life Working Group (SLWG). This group had convened following discussions on issues that had emerged

following the RMA's approval of a particularly complex OLR risk management plan (RMP) in November 2017. The Board were advised that progress had been made by SPS to enhance its internal processes, including substantive changes to how they produced RMPs and undertook quality assurance. For example, any plan for progression will now be reviewed by the Head Psychologist from another establishment prior to being submitted to the RMT.

14. Staff advised that the SPS Director of Operations has requested confirmation from the RMA as to whether it now viewed SPS' assurance measures to be satisfactory. The Board agreed the actions taken were promising but would need time to bed in before a positional statement could be provided, hence it was decided that a response would be issued which acknowledged the sound collaboration between SPS and RMA; and recognised the progress and efforts made by SPS to take forward a range of issues.

Action Point: Head Risk Practice

Q1 Financial Performance Report - Board Paper 781

15. The Director presented the finance report and advised the Board that there was a £40k underspend against budget, due to recovery of maternity pay, training underspend and savings due to recruitment. The Director advised the Board the sponsor department requested the RMA consider transferring the resource savings to the capital budget to support capital expenditure originally planned for 2020-21 (to improve lighting, install CCTV etc). Outline costs and proposals for this work will be provided for Board consideration in October.
16. The Board were also advised that work is ongoing to implement the new OLR case management system, with installation work due to commence in September. A number of unknowns remain regarding the level of work to ensure the system is compatible with the Scottish Government's SCOTS IT environment and therefore there was potential for additional implementation costs.
17. The Board thanked staff for this helpful report and were content with the outline plans for the budget underspend.

Q1 Business Plan Update – Board Paper 782

18. Staff introduced the business plan update report, which focused on performance against 2019-20 strategic objectives. The Board were informed a project plan was currently being drafted for the development phase of the internet offending practice model; and once complete, this objective will be placed on hold for 3 months to enable staff focus on the immediate needs relating to Home Detention Curfew (HDC) assessment. The RMA are supporting Scottish Government's work on HDC guidance, which is due to be provided by September. In addition, the Scottish Government are currently working on a redesign of the MFMC programme, which has implications for the internet offending practice model; hence the revised timescale will allow time for these related projects to be integrated.
19. The Board were also informed that staff have commenced work on the development of the RMA's research strategy by undertaking a review of learning and outcomes from previous research activity to inform the direction of the new strategy. Once complete, the review will be developed into a paper for the Board.

20. Work during Q1 on the development and implementation of an engagement strategy for Local Authorities has focused on documenting and mapping current processes, with a view to developing a clearer understanding of requirements and identifying areas that can be enhanced and improved through standardised procedures and processes. This will then inform work in Q2 and Q3 to develop a new process and package of support.
21. The Board were content with the update.

Debt Management Write Off Procedure – Board Paper 783

22. The Director introduced this paper and advised Members that confirmed costings of £86k had been received from the court regarding the litigation action against the RMA. This sum becomes a liability owed to the RMA and will be built into the RMA's accounts. It is envisaged that the sum owed is unlikely to be recouped, hence the need for procedures concerning write-off. The proposed procedures are drawn from best practice within the public sector and introduce arrangements and approval limits regarding the management of debt and write-offs. Details include specifying that sums above £1,000 would require the attention of the Board; and reporting to the Audit & Assurance Committee. As agreed at a previous Board meeting, attempts will be made to recoup the debts owed, including a sequestration process.
23. The Board were content that the proposed procedure was proportionate to the scale of the RMA.

Q1 Human Resources Report – Board Paper 784

24. The Board reviewed the human resources report. A key issue was highlighted regarding the RMA's gender pay gap results, which showed a potential figure of between 36% and 40%. This is significantly above the Scottish Government target of 16%. It was noted that organisations such as the RMA with under 20 employees are not required to report upon gender pay gap information, however staff understood the need to explain the reasoning behind the RMA's figure and outline our efforts to manage it.
25. The Board commented positively upon the recorded staff absence rate of 0.94% for Q1 as a very low and welcome result.

OLR Performance Report – Board Paper 785

26. The Director introduced the OLR report, advising that five RAOs had been made in Q1; and the total number of OLRs was 184. The Director also informed the Board there is a backlog in the evaluation of AIRs but progress is being made to resolve this.
27. The Board enquired regarding the number of unavailable accredited assessors and discussed whether there was now a need to consider the recruitment of new assessors. At present there is a cohort of 14 accredited assessors, with a staff view that recruitment would be necessary if the cohort fell to 11. It was noted that the lead-in time required for any accreditation process would be approximately 3 months (from advertisement to selection / appointment). The Board were advised that a development project has commenced to review accreditation processes following the introduction of revised Standards and Guidelines in 2018, which would inform any recruitment process.

28. The Board highlighted that potential applicants often have the necessary skills and background but lack court experience, which can discourage applications; and they may also have concerns over balancing the role with their existing commitments. The Board discussed the possibility of advising applicants that training on court room skills could be provided; and suggested that any advert should clearly outline how many assessor positions were available and manage expectations in terms of typical case volume. Overall it was agreed that the Accreditation Committee would take this forward and that staff needed to closely monitor the situation to ensure the number of assessors did not fall below requirements.

Action Point: Accreditation Committee

Corporate Risk Register – Board Paper 786

29. The Board reviewed the risk register, noting that there were no significant changes since the last review, with no new risks and no change to current risk levels. The Board were advised that business cases will be developed in the coming weeks regarding planned expenditure for the remainder of 2019-20; and engagement will continue with the sponsor department on the long term financial position.

CPD Events – Board paper 789

30. The Board noted the CPD bulletin and the Chair advised Members to contact staff if they were interested in attending any of these events. The bulletin will be forwarded to those Members who submitted apologies.

Standards Update Report – July 2019 Issue – Board Paper 787

31. The Standards Commission report was noted.

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.

Committee Minutes

36. The Board noted the minutes from the Audit & Assurance Committee meeting held on the 15 April 2019.

Other Competent Business

37. The Chair gave an update on his recent annual meeting with the community justice department, advising of a wide range of helpful discussions on areas including the recent Chief Executive recruitment campaign, OLR trends, financial planning, and governance.
38. Staff provided a verbal update to the Board on two recent OLR cases, which led to a broader discussion on considerations for risk management planning during the progression phase. Wording used within legislation specifies that a plan is in force until such times as it has been reviewed and deemed unsuitable; at which point a new plan is required to be submitted. It was noted that the likelihood of individuals progressing directly from closed conditions to the community was unlikely but nevertheless possible, hence plans reviewed in the lead up to the earliest date of release should contain some contingency for that potential outcome – it was noted that plans do contain a statement which says whether or not an individual could be managed in the community. If not, the statement would likely advise that an emergency MAPPA meeting would be convened to put extraordinary measures in place in the event of release.
39. Staff highlighted that there were examples of good practice and drew attention to an excellent plan submitted to the RMA that spanned both transition and community, which would lend itself to use as an exemplar for training purposes.
40. The Board discussed the current legislative processes on release dates, highlighting that under current rules, the Parole Board could not specify forward release dates for life sentence prisoners. It was noted that this issue was contained within a proposed Member's Bill at the Scottish Parliament. The Board were of the view that were the legislative position to change, it would be beneficial to OLR cases by providing sufficient time for suitable risk management plans to be developed. The Board agreed this was something they may wish to raise in the future.
41. The Chair thanked those present for their contributions and brought the meeting to a close.

Date of Next Meeting – 21 October 2019