

## **RISK MANAGEMENT AUTHORITY**

### **Board Meeting**

**19 November 2018, RMA, Paisley**

### **Board Meeting Minutes**

#### **Present**

Mr David Crawford  
Mr Stephen Swan  
Ms Jane Davey  
Dr Aileen Burnett  
Mr Terry Powell

#### **In Attendance**

Ms Yvonne Gailey, Chief Executive (points 1 to 6 and 11 to 55)  
Mr Paul Keoghan, Director of Corporate Services (points 1 to 8 and 11 to 55)  
Mr Mark McSherry, Head of Development (points 14 to 20)

#### **Welcome**

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

#### **Apologies**

2. Apologies were submitted by Mr Chris Hawkes.

#### **Declarations of Interest**

3. There were no declarations of interest.

#### **Approval of Previous Minutes**

4. The minutes from the Board meeting held on the 17<sup>th</sup> of September were approved.

#### **Matters Arising**

5. The Chair advised that the Board Member recruitment process was now complete, with two new Members appointed – Mr Stephen McAllister and Ms Michele Gilluley. Their induction will take place in December and they will attend the next Board meeting in February.
6. Ms Gailey left the meeting.

#### **CE Remuneration**

7. The Chair provided an update to the Board on the CE remuneration proposal, advising that the Sponsor Department had recommended changes to the submission regarding the proposed salary levels.
8. Mr Keoghan left the meeting.
9. The Board discussed the CE remuneration proposal in-camera.

10. The Board agreed that the CE pay proposal approved by Scottish Government should be implemented and the Convener was to discuss the approved proposal with the CE.  
**Action: Convener**
11. Ms Gailey and Mr Keoghan re-joined the meeting.

### **RMP and AIR Business**

#### **Review AIR Evaluation Procedure and Process - Board Paper 723**

12. The Board reviewed Paper 723 and were advised that staff were currently undertaking a comprehensive review of the AIR evaluation procedure, and that the review's findings would be presented for Member's consideration at a future Board meeting. The Board were advised the review would assess how accurate and helpful the procedures are for staff (including the impact on the induction arrangements for new staff); and would also analyse how the RMA adheres to its legislative responsibilities.

### **Accreditation Governance**

13. There were no matters to report.
14. Mr McSherry joined the meeting.

### **Policy and Research**

#### **Mid-Year Policy and Research Performance Report - Board Paper 724**

15. The Head of Development introduced this paper and drew the Board's attention to the following:
  - a. The RMA published two LS/CMI reports (Risk of Serious Harm and Custodial Evaluation) in September this year, and delivered presentations on the reports to the Forensic Network Specific Interests Group and Social Work Standing Committee.
  - b. Ongoing work on RATED over the last 12 months has included a full review and restructure of the directory, with 61 tools now evaluated across 8 new sections that include Youth Offending and Responsivity Issues. The RMA website has been substantially updated to support the publication and provide new features, such as direct links to articles and abstracts, where available. An Equality Impact Assessment will also be undertaken as part of the review process. It was proposed the Board identify two Members to undertake a review of the entries, prior to the publication going live - it was agreed that Dr Burnett and Ms Gilluley would be best suited to undertake this review, which will take place between February and April 2019, prior to the publication date.
  - c. The internet offending literature review is scheduled for publication on Friday the 23<sup>rd</sup> of November, arranged as part of a coordinated release with Scottish Government. As part of this process, the RMA also provided a pre-briefing to the Justice Minister.
  - d. An Assessment of Learning Report has been produced regarding risk practice training delivered by the RMA. This will be used to inform the further development of the training and will be presented to the Board for information at the next meeting.
16. The Board noted the performance report.

## **Standards and Guidelines**

17. There were no matters to report.

## **Training**

### **Mid-Year Training Performance Report - Board Paper 725**

18. The Head of Development provided details of the RMA's contribution to national groups together with an overview of the presentations delivered by staff to promote effective practice. Inputs were also provided to Glasgow, South Lanarkshire and Perth Councils as part of the RMA's forward planning arrangements for community-based OLRs. In addition, new online resources are currently being developed to enhance the support offered to such local authorities.
19. The initial delivery of SPS Case Managers Training took place in November 2019 to 20 Case managers, including two heads of psychology and a principal psychologist. The initial feedback received has been positive and it is expected that the training will prove very helpful to case managers, as well as reducing the levels of ongoing feedback on RMP development. A review of the initial delivery will be conducted prior to the next course's delivery in early 2019.
20. The Board thanked the Head of Development for this useful report. Mr McSherry left the meeting.

## **Corporate and Governance**

### **Mid-Year HR Performance Report - Board Paper 726**

21. The Director presented the half-year HR report to the Board.
22. The Board queried the level of current vacancies and were advised this matter related to a wider decision regarding utilisation of funding. The Director explained the RMA identified benefits of investing in a case management system to support the management of OLR cases, but was conscious those plans could only be realised in the 2018-19 financial year if current staff budget savings were maintained. Pre budget discussions with the sponsor department identified that future capital budget for this project was unlikely to be available for some years, hence the management decided to act upon this opportunity and maintain current vacancies with a view to acquiring a case management system in 2018-19. The Board were informed the Sponsor Department approved this approach and were advised the temporary staffing structure had been operating well and has provided development opportunities for existing staff. The arrangements have also provided useful learning that will inform the consideration of future staffing structure options.
23. The Board also noted and welcomed the recruitment of fixed term staff into permanent roles.

### **Mid-Year FOI Report - Board Paper 727**

24. The Board reviewed the FOI report, which outlined the RMA had received 7 requests this year, with all responded to within the legislative timescale. Further details were provided on the requestors and the nature of the requests. The Board were also

advised that there had been no requests for review or appeals to the Scottish Information Commissioner.

### **Review Standing Orders - Board Paper 733**

25. The Director introduced the Standing Orders and advised there were no proposals to amend the current provisions.
26. The Board noted the Standing Orders and highlighted section 5.5 “The committees shall meet at least three times per year, provided that the Remuneration Committee shall meet as business requires”. The Board suggested that this section be amended to specify that “the Audit Committee shall meet 4 times per year and the other Committees shall meet as business requires”.

#### **Action Point: DCS**

27. The Board identified that the membership, chairs and vice chairs of the Committees should be reviewed, but agreed it best to conduct the review at a future meeting, in order to allow newly appointed Members the opportunity to contribute. To that end, Board Paper 731: Review Committee Membership and Terms of Reference was deferred.

### **Review Scheme of Delegation - Board Paper 734**

28. The Board were advised that the scheme of delegation was last reviewed in January and that no changes were proposed to the existing arrangements. The Board were content for the scheme of delegation to continue in its current form.

### **Financial Mid-Year Management Report - Board Paper 740**

29. The Director introduced the mid-year financial report which forecasted a budget saving of £50k. The Director provided the details of the mid-year report and informed the Board the forecast did not account for either the planned capital expenditure or future salary savings. The Director stated maintaining vacancies to March 2019 would realise further savings of £25k, providing a total of £75k, to be converted to capital budget to support the acquisition of a case management system.
30. The Director also advised the Board that the lease on the RMA’s premises expires in December 2019. The RMA wish to redevelop the existing office space to introduce a training suite, and have therefore engaged a chartered surveyor to assist with lease negotiations. The RMA expects to submit a business case to Scottish Government as part of this process and aims to have terms agreed by March 2019.
31. The Board noted the financial report.

### **Business Plan Mid-Year Performance Report - Board Paper 741**

32. The Board reviewed the business plan report, which detailed the progress made against the RMA’s strategic objectives. Achievements have been recorded against all three objectives, with the internet offending literature review scheduled for publication in November, the Standards & Guidelines for Risk Assessment Report Writing published; and the risk practice training course for case managers developed and delivered to its first cohort. The Board were content with the business plan update.

## **OLR Performance & Offenders Status Reports - Board Papers 742 & 732**

33. The Director presented the report to the Board advising that at the end of October 2019, 13 RAOs had been instructed and 9 risk assessment reports were currently in progress. The Director also informed the Board there were a total of 176 active OLR cases – 169 managed by SPS, 4 by local authorities and 3 by the NHS. The punishment part had expired in 62% of cases. In terms of Annual Implementation Reports, the Director confirmed there were no reports outstanding and that processes were working well. 57 AIRs are expected between now and February.
34. The Director also informed the Board the cohort of Accredited Assessors remains at 15, with 3 currently available, 3 unavailable and 9 undertaking RARs. The Board commented that a figure of 9 active RARs at one point in time seemed inordinately high and were assured that staff were actively monitoring the position – it was confirmed that a number of RARs were due to be completed shortly, which would free up capacity.
35. The Board discussed a wider point regarding the changing balance of risk, with more cases either in or moving towards management in the community. Staff provided examples of recent communications with Lead Authorities, Open Estate and MAPPA that provided assurance to the RMA that those bodies were managing those dynamic situations well and that the notifications given to the RMA had been of a timely and appropriate nature.
36. Members confirmed that a mechanism that allowed staff to relay information to the Board on the preparedness and performance of Lead Authorities would be beneficial, which could include elements such as details of the support provided by the RMA, the quality of RMPs and AIRs; and the identification of any issues or emerging concerns. The Board stressed the pertinence of this approach given the increasing number of community-based plans.
37. The Board reiterated that the information provided in the current two OLR Reports was very helpful in illustrating the overall picture and requested that going forward they be combined and expanded into one report – the Board recognised the benefits of drawing together current status, projections and performance information to provide early oversight suitable for Members and ultimately Ministers. It was noted that aspects of the data had not reached meaningful levels as yet, given the low numbers involved, but over time this data set could be increased to offer additional metrics (such as average time in prison before release and average age at release).
38. Staff added that while they were fully informed on each case, this was also aided by the relatively low numbers currently involved, hence the introduction of expanded reporting now would be advantageous given the expected increases. Staff raised the importance of keeping to key principles, to ensure items presented to the Board only concerned those that were within the RMA's legislative remit to respond to.
39. The Board was advised that the RMA will provide a package of support to Local Authorities to assist in understanding the specific statutory duties associated with the OLR.
40. In summary the Board instructed that, under routine monitoring, the two current OLR reports were to be combined and expanded into one report, that a package of support

for Lead Authorities was to be developed; and that staff were to devise a means of capturing the details of each Lead Authority's performance of their duties. These items taken together would then be used to produce a briefing to Ministers within the next three to four months.

**Action Point: CE and DCS**

### **Review Corporate Risk Register - Board Paper 743**

41. The Director advised that the Audit Committee had reviewed the risk register in October. The risk of inadequate resources had reduced (due to revised funding provisions) and the risk of legal challenge had also reduced (due to the conclusion of the litigation claim against the RMA). A new risk regarding the preparedness for community OLRs had been added, and this item was also discussed at the Sponsor Department meeting in October. A fully revised risk register has been developed and had been reviewed by the Audit Committee – the final version of the revised risk register will be presented for approval at the next Board meeting. The Board were content with this approach.

### **Report on Board Development Day - Board Paper 730**

42. The Chair introduced notes written by David Watt from the Institute of Directors and provided an update, advising that discussions had taken place with the Chief Executive to consider improvements and refinements to the RMP Process going forward – the Chief Executive has subsequently offered to develop a scoping paper and plan for the Board's consideration.
43. The format of the OLR Risk Management Plan had also been discussed at the development day, and a scoping paper will now be developed by staff to consider the value and usefulness of the current format. The Board agreed it would be beneficial to review the notes from the development day again in the spring to assess the progress made against these key actions.

### **Board Member Succession Plan - Board Paper 736**

44. The Board reviewed the succession plan, which was devised following a recommendation from Internal Audit to consider recruitment, retention and skills of Board members. The report highlighted that in 2021, the terms of two Members will end and four are scheduled for renewal; and subsequently in 2025 the terms of four Members will end. The Board highlighted the previous situation where four Members left the Board within a short space of time, which was far from ideal. The Board accepted there would always be a requirement to manage unplanned changes, but agreed on the need for succession plans to minimise anticipated changes. The Board suggested that renewal dates could be brought forward in some cases to alleviate plans. The Board also discussed options at the recruitment stage, including altering the appointment periods from the standard four years to two or three years in some cases, which could help reduce the potential for multiple Member changes in one time period; and that start and end dates could also be staggered to spread out the timescales.
45. The Board agreed to review the succession plan on an annual basis and to seek the early implementation of renewals if possible.

**Action Point: DCS**

### **Board Members Fees and Expenses - Board Paper 738**

46. The Board were advised that Scottish Government had reviewed RMA Board Members Fees and Expenses arrangements and had proposed one minor change regarding first class travel. The Board were grateful to Scottish Government for conducting their independent review and were content to proceed with the arrangements.

### **Board & Committee Calendar 2019-20 - Board Paper 739**

47. The Board discussed the meeting calendar for 2019-20, which presented two options for consideration - Option 1 proposed five scheduled meetings for 2019-20 and Option 2 proposed six scheduled meetings. The Board were advised that the current Board Member contract provides for a total of 130 days (7 Members x 15 days; 1 Convener x 25 days), hence Option 1 would utilise 74.5 days and leave an unallocated balance of 55.5 days. Option 2 would utilise 82.5 days and leave an unallocated balance of 47.5 days. Unallocated days would be available for additional meetings as required, for items such as working groups, development days or managing complaints.
48. The Board expressed their preference for six scheduled meetings and agreed to monitor arrangements during the course of the year to manage workload.
49. The Board discussed the date of the next meeting. Staff proposed holding the next meeting in February rather than January, to ensure adequate time for reports to be collated and alleviate pressures following the Christmas holiday period. End of year items would also be taken on February's agenda. The Board agreed to hold the next meeting in February and made provisional arrangements for the CE to liaise with the Convener in January to decide whether a briefing via teleconference was required prior to February's meeting.

**Action Point: CE**

### **Committee Minutes**

#### **Audit Committee Minutes - 18 June 2018**

50. The Audit Committee minutes from the 18<sup>th</sup> of June were noted.

### **Items for noting**

#### **Corporate Risk Management Strategy - Board Paper 728**

51. The Board noted the Corporate Risk Management Strategy, recognising that a new strategy was scheduled for review at the next meeting.

#### **Fraud Policy - Board Paper 729**

52. The Board were advised that the Audit Committee reviewed the Fraud Policy on a regular basis and were content with the arrangements.

### **Code of Conduct for Members - Board Paper 735**

53. The Board reviewed the Code of Conduct and noted that no changes were specified.

**Other Competent Business**

54. The Board raised that they had previously discussed undertaking a Litigation Learning Review, once the litigation claim against the RMA had concluded. The Board reiterated that plans should be made to undertake such a review when time allows.

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

**Date of Next Meeting (Teleconference) – 21 January 2019**