

Meeting: Redress Scotland Oversight Board

Date: 24th July 2024, 0930-1230

Location: MS Teams

Minuted by: Diane Piper (DP)

In attendance

Kirsty Darwent (KD)	(Redress Scotland Oversight Board Chair)
Bill Matthews (WM)	(Redress Scotland Oversight Board Deputy Chair, Audit Risk and Assurance Committee Chair)
Colin Spivey (CS)	(Redress Scotland Oversight Board Member)
Paul Edie (PE)	(Redress Scotland Oversight Board Member)
Brian Houston (BH)	(Redress Scotland Oversight Board Member, Panel Member)
Mary McCallan (MM)	(Redress Scotland Oversight Board Member, Panel Member)
Joanna McCreddie (JM)	(Redress Scotland Chief Executive)
Gary Gallacher (GG)	(Redress Scotland Head of Operations)
Michael Stevens (MS)	(Head of Finance and Resources)
Michelle Nairn (MN)	(Redress Scotland Head of People)
Melanie Lowe (ML)	(Redress Scotland Head of Policy & Improvement)

Apologies;

Roy McComb (RM) (Redress Scotland Oversight Board Member)

By Invitation;

Neil Mackay (NM) (Redress Scotland, Audit, Risk and Assurance Committee Member)

Agenda item 1. Welcome, apologies, conflicts of interest and appoint Survivor Voice

KD opened the meeting welcoming all present.

Apologies from RM were noted. NM is attending today as a full member of the board. A restricted item will be taken at the end of the meeting to be attended by members only with MN and DP to support.

There were no individual Board Member conflicts of interest noted however KD advised that the Sommerville case would be under discussion and although there will be no decision involving any financial implications as a result of the discussion it was necessary to note an interest in the eventual outcome.

BH was appointed the survivor voice for the duration of the meeting.

Agenda item 2. Minutes of the previous meeting on the 22nd May 2024

The minutes of the previous meeting held on the 22nd May 2024 were approved as an accurate record of the meeting with no further amendment required.

Agenda item 3. Matters Arising – Action Log

The action log was presented. Several updates were agreed and the log amended accordingly.

Agenda item 4. Report from the Chair

KD informed members that since the last meeting she has observed 6 panels and continues to be impressed by care and rigour of these meetings.

JM and KD attended the Public Petitions Committee which went well and information about the Committee report has been included in reports from the Chief Executive.

KD reported a very constructive meeting with the Deputy First Minister who had clearly taken a lot of time to prepare for the meeting. Further communications will take place and the Deputy First Minister is keen to hear how our work could be progressed.

KD has met with two survivors where the themes discussed centred around the application process and the wider landscape of timescales and transparency.

Scheduled meetings with Scottish Government continue and also with the sponsor unit and director. Discussions include work on the statutory guidance and capacity.

Agenda item 5 Report from the Chief Executive

5.1 Chief Executive's report and 5.2 Dashboard report

JM highlighted that the report covers quite a spread of information but key points for members to consider include

- The business plan has been updated to include progress in the first quarter.
- The preparation of the annual report and accounts is a key piece of work for the executive team. A draft has been prepared and JM suggested an additional meeting be arranged to review the content in detail and to combine this with a discussion on capacity. A small group has met to consider the recommendations section, and JM noted that we committed to reporting on progress since last year. Assurances have been received from Scottish Government that our cyber security arrangements are more than adequate. The internal working group continues to meet and all members understand the challenges. There will be a session at the annual conference for the team to work through a number of scenarios.
- The Petitions Committee went well and JM and KD were appreciative of the work of the policy and improvement team who provided an extensive briefing pack in which helped answer the committee questions. A follow up report has been submitted and is ready for publication. It is possible that the committee will write to the Deputy First Minister to ask for changes to the scheme.
- Capacity will be covered later in the meeting.
- 4 material errors were reported by Scottish Government, 3 of which were upheld. We are still not clear of the parameters around material errors but we do know a much higher number were investigated compared to the number sent to Redress Scotland. More work is required to clarify the impact on survivors and how these errors are communicated.
- Statutory guidance on previous convictions is a complex area. There has been a lot of discussion with Scottish Government with the aim of reaching an agreed position.
- The Policy and Improvement Team have brought all communications in house. So far this is going well although we haven't been tested in terms of a crisis however we are confident that should the need arise we can bring in support.
- Survivor feedback – the policy team have provided a full report on one activity in this area which is appended to Chief Executive report. There is support for our style of communication however further work is to be done on the website and a plan for this is underway.
- JM noted the decision made on cancellation fees and that this will need to be communicated to all panel members.
- We have absorbed new panel members and support team into the structure. Induction training, support and buddying are all working well. There has been an increase in number of decisions but this is currently below forecast. More work and discussion is required.

Members agreed they were disappointed to see the change to the policy on payment of cancellation fees. It does not occur very frequently and it was noted that time allocated may be used for other work. This decision will be communicated to all panel members.

Some public bodies have recently offered holiday pay to members, specifically the courts and tribunals service and the mental health tribunal. KD noted that panel members are appointed by the Scottish Government and not Redress Scotland but it is important that we are aware of changes that are taking place in the public sector. KD said she would share information on this at the next drop in meeting and Joanna will write to all members in relation to cancellation fees and changes in the broader public sector.

Members were pleased to see the progress on Cyber security and the assurances received from Scottish Government .

Members were concerned about the impact on survivors of material errors. They were keen for more work to be done in this area and to clarify the Scottish Government approach. Perhaps material errors could be added to the list of recommendations.

Actions; KD/JM to write to panel members advising of the change in approach to the claiming of cancellation fees

Action; KD to advise panel members at the next drop in session that we are also aware of the Sommerville judgement.

Action; JM and the team to get to a better understanding of Scottish Government approach to material errors and the implications for survivors. Also consider adding this to the list of recommendations for the 2023/24 annual report.

Agenda item 6. Audit Risk and Assurance Committee Update

WM presented the minute from the Audit Risk and Assurance Committee held on the 26th June 2024. WM highlighted several key areas;

- Assurances have been received from Scottish Government in relation to our risks around cyber security. This has provided a level of comfort and enabled triangulation of internal and external views and impact. The committee are considering whether or not to pursue accreditation on cyber essentials bearing in mind that Scottish Government are still progressing accreditation at this time.
- The risk register was one of the first governance documents to be drafted and approved and has been continuously reviewed and updated since. ARAC see updates and are involved in the scrutiny of the register and individual risks. Suggestions for areas of risk which would benefit from further investigation were

considered and a plan will be agreed. These provide members with an additional level of assurance.

- Internal Audit provided a positive report on the work during the year and in addition to individual reports have prepared an outstanding actions from audit plan which MS oversees. The audit plan for the forthcoming year was also approved. WM noted an excellent working relationship with TIAA.
- Audit Scotland provided an update on the audit cycle.
- Lastly the ARAC have included a report on their activity over past year. This paper will help inform the annual report and is included for information.

Agenda item 7. Governance & Risk

7.1 Strategic Risk Register

JM advised that the latest risk register is based on the discussions from the April risk workshop and the last ARAC meeting where a number of changes were suggested. The register is presented today for approval.

Members were content to approve the risk register as presented having considered and agreed the amendments. Documents scrutinised and received.

In addition, the issue of operation resilience was raised and some “fire-drills” were suggested. JM advised that this would be incorporated into the session on business continuity scenarios being developed for the annual conference.

The question of survivor trust and confidence was raised and if the risks we have identified are limited to Redress Scotland or to the whole scheme bearing in mind that survivors see this as one scheme. JM replied that we don’t have any control over the whole scheme and therefore we cannot mitigate the risks. KD added that this is a complex area where governance is shared with different aspects of the scheme and the nature of many of the risks that we cannot fully mitigate against. Members felt it would be useful to establish if there is a risk register for the Scottish Government part of the scheme which could be shared.

Action; JM to establish if there is a risk register for the Scottish Government part of the scheme.

7.3 Survivor Advisory board –

JM highlighted that the paper presented is a continuation of the thinking about how we can develop survivor voice in governance areas. The proposal is to establish a survivor

group where survivors input into areas they are interested in. There is still quite a lot of work to be done and progress will be brought back to the board.

Members were keen to support the proposed approach but questioned if Scottish Government would be involved in this as much of the discussion will cross over both parts of the scheme. Members also asked for detail of the support which would be offered to survivors to undertake this role. It was further suggested that the group work on specific areas with clearly defined timescales and outcomes. This progressive approach was welcomed and will ensure we develop gradually.

KD summarised the discussion noting agreement with the approach and for specific topics to be identified in advance with clear timelines and priorities.

Agenda Item 8. Capacity Planning

Gary opened the discussion by describing some of the capacity issues within Redress Scotland. Scottish Government have recently completed further recruitment for more case workers. The forecast for July was 143 applications but this level was reached in the first 3 weeks of the month.

Historically a great amount of effort has gone in to establish what the growing need within Redress Scotland will be. Last year we made the request for additional resource which made an impact but the increase in capacity has been less and slower than anticipated. The queue now stands at 450 applications and non priority applications are taking up to 8 months to process. As the throughput increases so does the queue and timescales extend. The report highlights the current capacity within Redress Scotland, and what a steady state could look like given forecasts of higher numbers of applications per month.

GG continued that a more formal business case will be undertaken and will include options and implications, cost and timescales, and the distress of delays on survivors.

Members were asked for comment. They were all supportive of preparing a business case for increase in capacity and made several suggestions for inclusion to show that we are also considering internal efficiencies and different ways of undertaking the service which may require legislative changes. Ultimately it is the Scottish Ministers who will make the decision. Suggestions included;

- Provide several options with expected outcomes and associated risks.
- Confirm that we can take on recruitment ourselves. The length of recruitment will also impact on the queue and timescales.

- Obtain prior support from the sponsor unit on the structure of business plan.
- Articulate all considerations even if these are rejected eg triage, how many panel members are required i.e. different models of delivery.
- Our last request for additional resources was rejected, however the situation is getting worse. We also have a resource which has yet to be maximised.
- Can we propose a separate channel for fixed payments.
- May well be that some panel members are getting into second half of their appointment. It was understood that they can be reappointed for up to a max of 8 years. MN is currently following up with the sponsor team for confirmation of this.
- Consider legislative changes.
- Quantify the consequences of not doing anything.
- As there is no cost associated with holding panel members until used, we could consider annual recruitment and hiring a surplus.
- Members were concerned about the size of recruitment and if Redress Scotland has the resources to manage this increase.

GG thanked members for their contributions advising that will consider all of these suggestions in the business case. At some point we have to recognise that we will constantly have to adapt to the throughput from Scottish Government and that we need greater accuracy around forecasting. We are also seeing an increase this year already in applications. Work on temporary and permanent posts will be drawn out in the business case. The greater risk of vicarious trauma on the team was also noted.

In summary it was agreed to present a full and detailed business case outlining all the options we considered balanced against the impact of doing nothing.

Members were keen to support the business case and were supportive of an additional meeting being arranged solely to further discussion and plans.

Action; GG to prepare full business case taking cognisance of the board discussion.

Action; DP to set an additional meeting for members to review the business case.

Agenda Item 9 Finance & Procurement

Mike to presented Period 3 (June 2024) management accounts for information.

Period 3 reported an underspend £53k. We are currently averaging an underspend in the region of £50k -£60k per month with a total underspend to date of £150k. The main reason for the underspend is lower than forecast number of panels being held each month.

We endeavour to maintain one month cash level of spend in the bank. We currently have more than this and will draw down less this month and keep the rest for future investment in a case management system and on website development.

KD thanked MS for his work adding that we still anticipate that the underspend will reduce as the sitting days undertaken by new panel members increases.

It was also suggested that we do some planning around the potential costs should the Sommerville case be rolled out.

Action; MS to prepare some scenarios around Sommerville decision.

Agenda 10 People

10.1 Update on HR System

At the May meeting members approved the purchase of an HR system however since then the provider has come back and requested advance payment which is not something we can straightforwardly do.

Members were disappointed that the provider was asking for advance payment and noted this may be out with the framework.

Following discussion members agreed for

- JM to write to Chief Executive of the provider to highlight this concern.
- MS to approach the framework manager for advice and to ensure we are not breaching any protocols.

There is only one provider on the framework. We are a small operation and we are timebound. We could link into the Scottish Government model which includes HR but this is complex and is likely to defray our flexibility, particular that of being able to recruit more quickly.

MN to keep the board updated with progress.

Action; JM to write to Chief Executive of the provided to highlight this concern.

Action; MS to approach the framework manager for advice and to ensure we are not breaching any protocols.

Agenda Item 11 Policy Approvals

11.1 Privacy Notice

JM advised members that following discussion with our legal advisors a number of changes have been made to the Privacy Notice and therefore approval by Board is required.

ML added that the notice has been stripped back and simplified.

A question arose around complaints and if reference should be made to the Scottish or UK commissioners office.

Members were content to approve the revised notice following confirmation of the above.

Action; JM to confirm which Information Commissioner's Office, Scottish or UK can receive complaints.

Agenda Item 12. Forward Planning

12.1 Forward plan

The content was noted and members confirmed there was nothing from today's meeting to be added.

Agenda Item 13. New And Emerging Risks

KD noted a very thorough discussion around capacity planning. No other risks were identified.

Agenda Item 14 Any other competent business

No other business was discussed

Agenda Item 15. Review of Meeting and Survivor Voice

BH offered his reflections of the meeting advising that this was the first time he has undertaken this role with advance notice and therefore looked over the papers with this in mind. BH noted that the content of the papers evidenced an intent to deliver a service to survivors. There was a clear thread through business plan, communications and all papers to make these work for the benefit of survivors. There is also evidence through the commitment of the Chair to observe panels. Also the meeting with Deputy First Minister and reference to an emerging group of survivors who are not yet part of the process. In terms of the broader survivor landscape discussions covered the application process and particularly waiting times.

The chief executive's report was very comprehensive where all the areas focus on survivor accessibility to the scheme. Work for the Petitions Committee, capacity, communications give sight of the active work currently underway. There was also a deep discussion on the impact of material errors on survivors.

Lastly the capacity discussion was all about making things better, as there are a growing number of people waiting for redress,

KD thanked everyone for their contributions noting a very dynamic meeting.

16. Restricted Item

Closed session for members only with MN and DP in attendance.

Separate minute prepared