

SCOTTISH SOCIAL SERVICES COUNCIL

**Unconfirmed minutes of the Scottish Social Services Council held on
Tuesday 29 October 2019 at 1:30 pm in Compass House, Dundee.**

Present: Sandra Campbell Convener
Theresa Allison, Council Member
Paul Edie, Council Member
Lynne Huckerby, Council Member
Rona King, Council Member
Linda Lennie, Council Member
Peter Murray, Council Member
Russell Pettigrew, Council Member

In attendance: Maree Allison, Acting Chief Executive
Cheryl Campbell, Acting Director of Regulation
Phillip Gillespie, Director of Development and Innovation
Laura Shepherd, Director of Strategy and Performance
Chris Weir, Head of Legal and Corporate Governance
Gordon Weir, Director of Corporate Services
Diane White, Scottish Government
Audrey Wallace (minute taker)

Observing: One member of the public and eight members of staff

1. Welcome and apologies for absence

1.1 Sandra Campbell welcomed all Council Members and observers to her first meeting as Member and Convener of the Council.

2. Apologies for absence

2.1 Apologies were received from Alan Baird and Julie Grace, both Council Members.

3. Declarations of interest

3.1 Paul Edie declared an interest in item 12, the section 22 action plan update as this may include discussion on the shared service agreements.

4. Minutes of previous meeting – 18 June 2019

4.1 The minutes of the Council meeting of 18 June 2019 were approved as a correct record.

5. Matters arising

5.1 There were no matters arising.

6. Convener's report

- 6.1 The Convener presented report 37/2019 which summarised her activities since being appointed to the position. Meetings and proposed meetings with the Sponsor Team and Minister were noted as were a number of induction sessions which had been organised. Some of these, including the meeting of the Policy Forum, were focussed on the review of governance arrangements at the SSSC, the review having been brought about by matters raised in the Section 22 report and the external auditors report.
- 6.2 It was confirmed that Maree Allison took up the position of Acting Chief Executive on 19 September 2019 and noted that there was no known date for Lorraine Gray to return to her substantive post.
- 6.3 The Council
1. endorsed the appointment of Maree Allison as Acting Chief Executive
 2. endorsed the summary of the meeting of the policy Forum
 3. endorsed the summary of induction for Council Members
 4. noted the summary of recent other key issues from the viewpoint of the Convener.

7. Chief Executive's report

- 7.1 Maree Allison presented report 38/2019 which reported on the SSSC's key performances against strategic priorities and also the work of the directorates. The key areas to note were
- the final part of the Register to be opened up is registration of support workers and the deadline for registration to this part is September 2020
 - discussion on the new Strategic Plan will be included as part of the agenda for Council Members at their development session on 13 and 14 November
 - the NES /SSSC partnership is a very positive relationship and this was endorsed by Council Member Lynne Huckerby.
- 7.2 The Council:
1. noted the information contained in the report.

8. Annual Report and Accounts

8.1 Draft Annual Report and Accounts

- 8.1.1 Theresa Allison presented the draft Annual Report and Accounts 2018/19, confirming that these had been reviewed by Council at the discussion session on 28 August and approved by the Audit Committee at its meeting on 25 September 2019. The following matters were raised
- 70% of workers believe that registration with the SSSC provides positive benefits, what can be done to raise this percentage
 - Work is delayed on future proofing the register as it is being aligned with the Care Inspectorate's (CI) register. As this work will entail legislative change it may take some time. Paul Edie confirmed that the CI had added to the delay by making revisions to its register

- Linda Lennie requested that numbers of registrants surveyed as well as percentages would be helpful in the report
- Chris Weir confirmed that types of data breaches were being monitored but that due to the vast amount of personal data held by the SSSC, it was likely that there would always be a risk of data breaches. Members noted that the Information Commissioners Office had taken no further action on any of those notified to it and also that training and development of staff on how to avoid breaches was being developed.

8.2 Combined ISA 260 report to those charged with governance and Annual Report on the Audit

- 8.2.1 Maree Allison presented report 40/2019, the draft External Audit Report to the Accountable Officer and Auditor General for Scotland for 2018/19.

8.3 Audit Committee Annual Report to the Council 2018/19

- 8.3.1 Theresa Allison presented report no 41/2019, the Audit Committee's Annual Report to Council which provided a summary of the work carried out by the Audit Committee during the year 2018/19.
- 8.3.2 The Council
1. noted the work of the Audit Committee
 2. noted the Committee's assessment of its performance and the plans to address development areas
 3. approved the 2018/19 Annual Report and Accounts
 4. agreed that it was appropriate for the Acting Chief Executive as Accountable Officer to sign the Annual Report and Accounts at all the appropriate points within the document.

9. Corporate Governance report

- 9.1 Maree Allison presented report 42/2019 which outlined the proposed governance arrangements which had been under review following the outcome of the PAPLs Committee meeting and discussions with the Sponsor Department and with Audit Scotland. There were several key areas to be reviewed. This work had been done and the report recommended substantial changes to be made to produce a more robust governance framework.
- 9.2 Council first reviewed the proposed revised style of reporting of Finance, Performance and Risk. The three elements were incorporated into one report and a number of comments were made on both the proposed structure and the content of the report. The main areas of discussion included
- the general financial reserve is sitting at 1.9% and some work would be needed to bring it up to 2%
 - any discussion on the pay award should be taken in private however it was noted that there was a contingency plan in place for financing the annual award, however no timeline can be set as it was noted that Scottish Government requested the SSSC and the CI to work together to agree a suitable pay award

- Gordon Weir commented that EMT reviewed the budget figures regularly and would be aware of any rising issues. He further advised that at this point in the financial year, making up a £9k shortfall was achievable.
- it was noted that the content of the report may change once the new Strategic Plan is agreed
- it was requested that where a strategic performance indicator was highlighted in red, there should be an explanation which states the contingency plan.

9.3 Council turned to discuss the format of the report and it was noted that this proposed format was much clearer to read than the previous format although Members commented that although this was a single report, the content was set out in three sections. It was suggested that the three elements could be better integrated

9.4 Council then turned to the remainder of documents included with the report, being the

- Code of Corporate Governance
- revised Financial Regulations
- proposed Committee Structure
- SSSC Assurance Map
- proposed membership of Committees

9.5 When discussing the Code of Corporate Governance and the proposals for the committee structure there was some discussion around the proposal to delete the Remuneration Committee. Concerns were expressed about the confidential nature of the matters which had previously been discussed by the Committee. Members were given an assurance that these matters could be discussed and decided during a private session of a Council meeting.

9.6 A further area of discussion was whether the Audit and Assurance Committee should be held in private and it was decided that in the interests of proper scrutiny by Members, that it should be held in private.

9.7 The Council:

1. endorsed the content and the format of the operational/finance/risk performance report, subject to the comments at 9.2, 9.3, 9.4 above
2. approved the performance report as presenting a true and fair view of SSSC performance towards achievements of its strategic objectives as evidence of appropriate financial management and monitoring and satisfactory risk identification and management, subject to additional information within the management response sections
3. approved the standing orders contained in the code of Corporate Governance
4. approved the terms of reference for SSSC Council
5. approved the terms of reference for Audit and Assurance Committee subject to the change to the meeting being held in private, not in public
6. approved the terms of reference for the Fitness to Practise Committee
7. approved the terms of reference for the Employment Appeals Panel
8. approved the terms of reference for the Training Appeals Panel
9. approved the terms of reference for the Special Appeals Committee

10. approved the deletion of the Resources Committee
11. approved the deletion of the Remuneration Committee
12. approved the deletion of the Registration Committee
13. approved the deletion of the Conduct Committee
14. approved the deletion of the qualifications panel
15. approved the deletion on the Policy Forum
16. approved the definition of roles and responsibilities as set out in Table 1 of the Code of Corporate governance
17. approved the RACI chart set out in Table 2 of the Code of Corporate Governance
18. approved the delegated authority to commit and approve business expenditure set out in section 3 of the Code of Corporate Governance
19. approved the changes to the Financial Regulations as set out in Appendix 3 to the report
20. approved the Committee membership as set out in appendix 6 to the report
21. agreed that a review of the changes be carried out twelve months after the changes are implemented.

10. Consultation on opt-in Hearings update

- 10.1 Maree Allison presented report 43/2019 which gave an update on the outcome of the consultation on proposed changes to the fitness to practise process. The consultation was authorised by Council in October 2018. The proposal was to only hold a hearing where the worker disagrees with the Fitness to Practise department's assessment of the case and requests a hearing.
- 10.2 Members noted the evidence base which demonstrated that in 94% of cases the Fitness to Practise Panel came to the same conclusion as recommended by the Fitness to Practise department. Potentially cutting back on the number of days where hearings are held would free up resources to better support workers going through the process. Any change to the current procedure would require a change to the Rules and therefore Scottish Government consent.
- 10.3 Maree Allison also requested in the report that Fitness to Practise Panel Members be paid a fee when a hearing they are scheduled to sit on is cancelled within seven days of the hearing date.
- 10.4 The Council:
 1. authorised submission of amended Fitness to Practise Rules implementing the proposal to Scottish Ministers for their consent
 2. delegated authority to the Convener to sign the amended Fitness to Practise Rules
 3. agreed that the process of opt-in hearings be reviewed after the process has been in place for a year
 4. approved the payment of cancellation fees on the conditions described in the report, but provide forward planning figures for this cost for 2020/21 in order to review the costs.

11. Digital Development update

- 11.1 Laura Shepherd presented report 44/2019 which gave an update on the SSSC digital development work and information about the governance groups which oversee the delivery of digital development in the future. She advised that to date the focus has been ensuring that staff have the correct equipment and that the next phase will be to support workers to access digital services.
- 11.2 It was noted that the Digital Strategy will be linked to outcomes in the new Strategic Plan in that it increases work capacity and gives the organisation the ability to deliver services effectively.
- 11.3 Members noted that the contract for the maintenance and development supplier had been extended for one year to allow a full and robust tendering process to take place. They also noted that the business case for the revised provision of telephony has been approved at Sponsor Group however, approval to go to procurement is required as the tender amount is over £50k.
- 11.4 Maree Allison confirmed that the recurring costs related largely to licensing but this included increased functionality and efficiencies.
- 11.5 The Council:
1. approved the progress made to date and the direction of travel
 2. approved the procurement of the proposed new telephony system.

Lynne Huckerby left the meeting

Paul Edie had declared an interest in the following item and left the meeting

12. Section 22 Action Plan update

- 12.1 Maree Allison presented report 45/2019 which updated Members on the progress against the action plan arising from the Section 22 report and the external audit report.
- 12.2 Of the nineteen proposed actions detailed, four were complete, eleven will be delivered within the timescale and four are dependent on actions involving people from outwith the SSSC, so are challenging to deliver within the specified timescale. With regard to action fifteen (to deploy a structured Business Process Re-engineering (BPR) process) it was noted that although this was started, progress would be dependent on budget. Some of the challenges have been arranging communication between the right people to progress action, particularly in relation to the Service Level Agreements with the Care Inspectorate (CI). Maree Allison advised that a meeting would take place the following week with representatives from the SSSC, the CI and the officers from CIPFA who have been working on the issue. The SSSC would then have a clearer steer as to the likelihood of reaching an agreement between the two bodies. It was noted that the parties were keen to find agreement and were supported by the Sponsors in doing this.
- 12.3 The Council:

1. endorsed the approach taken by the Management team.

Paul Edie returned to the meeting

13. Resources Committee Annual Report to Council

- 13.1 Theresa Allison presented report 46/2018 which summarised the work of the Resources Committee for the year 2018/19.

- 13.2 The Council

1. noted the report.

14. Committee Minutes

14.1 Resources Committee 5 June 2019 and 25 September 2019

- 14.1.1 The Council noted the minutes of the meeting of 5 June 2019.
- 14.1.2 The Council also noted the minutes of the meeting of 25 September 2019.

14.2 Audit Committee 5 June 2019 and 25 September 2019

- 14.2.1 The Council noted the minutes of the meeting of 5 June 2019.
- 14.2.2 The Council also noted the minutes of the meeting of 25 September 2019.

15. Identification of risks

- 15.1 The risk identified during the meeting today was contained in the Annual Report which was the risk of continued high staff turnover which was 13-14% in 2018/19. It was noted that this would be included in the new Risk Register

16. AOCB

- 16.1 There was no other business.

17. Date of next meeting

- 17.1 The date of the next Council Meeting is Tuesday 28 January 2020.

Private Session

Items 18 and 19 were discussed in private and minuted separately.

Council 29 October 2019
Start time: 1.30pm
Finish time: 5pm

Signed: _____ Date: _____

Sandra Campbell
Convener