



Senior Management Team (SMT)

Minutes of meeting on 24 March 2021

10:00 – 12:30, Microsoft Teams

Present:

- Head of Corporate Services (Chair)
- Head of Communications
- Head of Strategy
- Head of Advice and Investigations

In attendance:

- Executive Assistant
- Finance and Administration Assistant

1. Welcome and apologies

The Chair welcomed everyone to the meeting. There were no apologies. It was agreed that the Head of Advice and Investigations would be meeting monitor.

2. Data Protection

Claire Turnbull, Head of Information Governance & Data Protection Officer from the Scottish Parliamentary Corporate Body (SPCB) joined the meeting to provide an update on two recent developments and to answer any questions from SMT.

First, Claire referred to a draft response that the Scottish Government had received from the European Commission in relation to data protection compliance following the UK leaving the European Union (EU). This suggests there will continue to be a free flow of personal data from EU to UK in same way as when UK was part of the EU. At the moment there is a temporary agreement that this is the case until the end of April with scope for this to be extended until the end of June. It is looking like the European Commission will enter into a more permanent agreement on this basis, subject to review every four years

The Scottish Government are still taking a cautious approach and organisations should ensure that if they are exchanging data outside the UK that there are additional contractual clauses to protect that data if necessary.

SMT were updated on the Information Commissioner's Office (ICO) Children's Code (the Code) that had been recently enacted. The Code is aimed at organisations that produce content for children defined as age 18 or under. Its primary focus is on organisations who produce web info, games, interactive tools, or competitions for children to use. The Code requires organisations to ensure that online content does not encourage children to lower



privacy settings on apps, that minimum of personal data is collected, and apps shouldn't contain geolocators allowing people to identify where the child is located.

There are 15 requirements within the code. Organisations are required to be compliant by 2 September 2021.

It was recommended that SMT consider the Code and if risks identified take any necessary actions including for example, reviewing any privacy notices.

SMT noted that the draft Code was taken into consideration when developing the new website.

The Head of Corporate Services noted that SMT would like advice on the Data Protection policy and on Data Protection Impact Assessments in relation to various matters, namely:

- the movement of data within the organisation, for example, CYPCS will be moving payroll data to a new supplier and data will be moved to a new server
- case management database

and suggested to separate meeting with Claire to discuss.

SMT asked for advice relating to the steps that should take when working collaboratively with external organisations using Microsoft Teams, in particular longer-term projects where working with external parties and using a Microsoft Teams Channel to store task lists, timelines etc which is limited to a small number of CYPCS staff and specified external staff.

Claire advised that the technical IT issues surrounding longer/ larger projects is a matter to discuss with IT provider and then it would a matter of doing a DPIA.

Actions:

- **Head of Corporate Services to set up meeting with Claire to discuss data protection policy and DPIA's.**
- **Claire to circulate a link to a copy of the Code**
- **SMT to review CYPCS' template DPIA to ensure tailored to needs of the office.**
- **SMT to review the Code, DPIA and take action if required**

3. Minutes of previous meeting

SMT agreed to carry over the actions from previous meeting and discussed that it would be good to review and consider if can improve the process for recording and monitoring actions.

Action: Corporate Services will collate actions from previous meetings and update their status. Following this review the updated list of actions to be circulated to SMT for review and approval.

4. Finance

a. Finance report – spend against budget 20/21

SMT considered the finance report provided in advance of the meeting. The Head of Strategy noted that not aware of any additional spend by the Strategy team but due to delays to projects as a result of COVID-19 spend that had been included in the budget for this financial year would now have to move to the next financial year. Subject to one minor amendment to text on page 3 of the report, SMT approved the finance report.

b. Procurement policy

SMT discussed the revised procurement policy. The key changes to the policy are it has been updated to reflect the current legislation and CYPCS's internal threshold for formal tendering processes to be followed has been increased from 30 thousand pounds to 50 thousand pounds. It was noted that this is still subject to ensuring that procurement complies with the legislation referred to in the policy.

The Head of Corporate Services referred to the revised procurement policy and provided an update to SMT. SMT approved the procurement policy.

SMT noted that it will need to take decisions on the practical elements of the procurement process, including who would be on the panel to score tenders, producing template documents to ensure consistency of practice in the office.

Action: Strategy and Corporate Services to work together on draft invitation to tender as a starting point for creating templates.

Action: Head of Corporate Services to arrange for procurement training for SMT.

Following this SMT would decide how best to disseminate the policy to staff. In terms of timeframe for this action it was noted that due to COVID-19 external training providers are currently not offering sessions. The SPCB may be able to provide training.

c. Decision record check template

The template has been created to ensure that there is a record of the procurement approach taken.

Action: amend template to make it clear that do not need a communications plan for every decision in relation to procurement.



Subject to that amendment, SMT approved the template.

d. Scheme of delegation

SMT discussed the scheme of delegation and that general expenditure over £5000 has to be approved by the Commissioner. Currently there is no contingency in the policy for approval process in the absence of the Commissioner and SMT agreed this should be reviewed. It was noted that SMT do not have the authority to amend the scheme of delegation without either the Commissioner's approval or that of the Scottish Parliamentary Corporate Body.

Action: SMT to reconsider week commencing 5 April 2021

e. Quarterly Advisers return to SPCB

SMT had requested clarification of the definition of advisers for the purpose of reporting adviser payments to SPCB. SPCB have provided a written response which appears to suggest that it is interpreted broadly to include anyone providing advice, including for Corporate Services and Advice and Investigations. SPCB noted that approval from the adviser is not required before reporting the payment.

The Head of Advice and Investigations queried whether the reporting requirements are for project work or are if they are intended to be only for advice to the Commissioner regarding discharge of his corporate functions, for example, human resources, or health and safety.

Action: Follow up and seek clarification from SPCB at meeting with them on 25 March 2021.

5. Governance

a. 21/22 Delivery Planning

Head of Strategy aiming to circulate the first draft of the outline delivery plan .

The draft delivery plan will include:

- Project activity and areas
- Key performance indicators at least for next year
- Budget noting that this has already been submitted to SPCB but where possible the draft delivery plan will track indicative budget but as a result of COVID-19 there are likely be some changes to this for example, travel and rolling projects over into next year.
- Space for work in relation to implementation of the UNCRC into Scots law as this will require a lot of planning over the next six

months in terms of the implications for the work of the Commissioner's office.

- Space for reactive work in relation to ongoing COVID-19.

SMT noted that leaving space in the delivery plan for the above was important in relation to considering the workload levels and welfare of staff.

ACTIONS:

- **SMT to plan how they work together most effectively to produce final draft.**
- **SMT to also consider how best to involve their teams in producing the delivery plan.**

b. Annual report and accounts 20/21

The Head of Corporate Services is developing a timetable for SMT for producing the annual report and annual accounts with the external auditors, Deloitte.

The Head of Communications has been considering the production of the office's Annual Report that is laid to Parliament and would like to align their presentation and content to avoid duplication of work bearing in mind that the external auditor report is more formal.

ACTIONS:

- **Head of Corporate Services to put meeting in the diary with Head of Communications to discuss the production of the reports.**
- **SMT to agree project plan for completing the annual report and accounts.**

6. COVID-19 Update

a. Reflection on business continuity

SMT noted that no changes needed to business continuity plan but that it would be good to provide an update to staff.

ACTION: SMT to agree and circulate update to staff following recent Scottish Government announcements.

b. Recent developments and plans

The Head of Communications noted that there is a lot of recent guidance on ways that working arrangements and policies could be reviewed and improved based on learning from changes to working practices as a result of COVID-19. SMT to consider



and reflect on offices policies and consult staff for their views, acknowledging that the way the office functions now has changed.

ACTION: send out staff survey on preferences on ways of working post COVID, for example, in relation to flexibility, working from home, any potential office changes.

7. Health and Safety

- a. **COVID Risk Assessment**
- b. **Dates for meeting with PCS**

The Head of Corporate Services noted that the COVID Risk assessment will need to be reviewed and that there will need to be a meeting with PCS before amending current working arrangements or policy on access to the office.

8. IT and New Server Upgrade

The Head of Corporate Services highlighted to SMT that this project is going ahead.

ACTION: share timescales and DPIA with SMT in next few weeks.

9. Project updates / Exception Reporting

SMT agreed to add to agenda for future meetings.

10. Human Resources (Private)