

**Governance Group  
Minutes of Meeting**

**Second Meeting of 2021/22:** 29 July 2021, 9.30-12.30, online via Microsoft Teams

Present:

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

In attendance:

Executive Assistant (minutes)

**1. Welcome and apologies**

The Chair welcomed everyone to the Governance Group (the Group) meeting. There were no apologies. The Chair brought to the meeting an opening activity that the European Network of Young Advisers (ENYA) had used at its annual forum as an energiser to open the meeting, which they had found great fun.

**2. Declaration of Interests**

There were no declarations of interest.

**3. Minutes of previous meeting and actions**

The Group approved the minutes from the meeting in May. Actions were reviewed and were either complete or on the agenda for discussion.

**4. Commissioner Update**

The period from May to July has remained very busy with a lot of positive substantive work.

This week, staff have fed back that their diaries have had a little bit more space from meetings and there has been a little less external pressure on their time. Staff have been taking their annual leave and finding time to switch off, which is positive for staff wellbeing.

COVID-19 work remains ongoing, which has had to remain the priority.

The participation roadshow project has commenced. Staff are showing commitment to the idea and there is a strong desire and excitement across the office to resume working in person with children and young people.

The British and Irish Network of Ombudspersons and Commissioners (BINOCC) is going well.

The European Network of Young Advisers (ENYA) had their annual forum. Two of our young advisers participated. The forum was a success and good progress was made on its theme of COVID-19 and the future.

The European Network of Ombudspersons for Children (ENOC) has its annual conference in September. In the Commissioner's role as Chair of ENOC there has been engagement with the European Union, the Council of Europe and the UN.

There has been a lot of positive international bilateral engagement with Commissioners' offices in Malaysia, South Africa, Moldova and Argentina, focussing on the work of our office and the role of Young Advisers.

## **5. SMT Update**

A Place in Childhood (APiC) report launched today with fantastic comms work and media coverage, including Good Morning Scotland radio interview featuring one of the Young Consultants and the Commissioner. We are now looking at the next steps and follow up work, for example, in the report there are commitments which the Young Consultants have asked the office to look at and liaise with external parties.

In this period, there has been a lot of international work with significant submissions including to the UN Committee on the Rights of the Child in relation to the Day of General Discussion (DGD). The Commissioner is also on list of potential panel members for the UN DGD.

The office continues to have a significant amount of reactive work as a result of COVID-19, particularly in relation to education. The assessment results are due to be released on 9 August, and we are expecting there will be increased reactive work as a result of that and as the next OECD report is due to be published at around same time.

The office has had engagement with both the UK and Scottish Parliaments. The Commissioner gave evidence to the UK Parliament committee in relation to child poverty inquiry and this has led to follow up work around Universal Credit and the two child limit. Currently scoping out more follow up work in relation to child poverty.

A full first draft of the annual report has been produced by the communications team in collaboration with teams across the office. A draft of the report has been circulated to each SMT member and ask that this is circulated to team members to review and provide any comments, in particular, if there are any aspects of our work that are missing from the report, and to comment on if they consider the report to be balanced in that it reflects each individuals contributions and work as well as that of the office. The intention is to publish the report in September, which is earlier than in previous years, which would provide the opportunity to use it as an influencing tool, in particular with MSPs. The Commissioner endorses this approach to the annual report to reflect the work of the office, but also as an opportunity for staff to take ownership and ensure they are happy with how their individual contributions are included and that the flow of the report reflects that. This will give increased confidence to the whole office when it is laid before Parliament, and when staff use as an influencing tool.

We continue to get lots of media enquiries particularly around vaccinations. We have produced an article on the website, and a first person piece on restrictions around return to school. We are working with Young Advisers on videos that highlight the pressure they feel as a result of not being listened to by decision makers.

The number of enquiries received by the advice function has reduced over the last period but there are a number of announcements due which are likely to lead to an increase in enquiries in August. Advice and Investigations and Strategy will continue to work together to agree response for likely enquiries see as a result of assessment results and other announcements that are anticipated in August.

In relation to strategic litigation, we have submitted an application for funding for an external project to consider how the office might prioritise its new strategic litigation powers. The proposal includes considering the importance of how we explain the new powers to children and young people, including consulting with our young advisers as part of the project. We will hear in September if the application has been successful

The Supreme Court judgment in the T case is to be handed down on 30 July 2021. This is a complex case, which has taken the court nearly a year to reach judgment on. This will take time to consider and the office will release an initial line until we have carefully considered the potential implications for children and young people. There are also a number of cases that are ongoing the Court of Session.

Focus has been on the office's audit, which an update will be provided on as next agenda item. There are a couple of urgent IT issues, which the Head of Corporate Services is working with external IT providers to resolve including introducing upgrades to File Manager commencing the first week in September. Due to circumstances outside of our control there has been a further delay to the introduction of a new payroll system. The Head of Corporate Services continues to meet with the Scottish Parliamentary Corporate Body (SPCB) to try to find a solution in order for this project to go ahead.

## **6. Audit Update**

There is now a draft of the annual accounts and assurance statements. As agreed at the Governance Meeting in May, the Senior Management Team are developing a narrative for the annual accounts and report in line with the guidance under FReM, to reflect the different nature of narrative for the auditors compared with the annual report to be laid with Parliament

The process is going relatively well. The auditors have made a large number of requests, which is a significant increase in the number of requests previously received under the Audit Scotland process. Those are requiring a significant amount of time and resource to respond to. It was noted that on occasion it appears that the audit requests are disproportionate to the size of the organisation. Other officeholders are in the same position. It was agreed by the Group that if a request is considered disproportionate and if it is not a legal requirement for the organisation to have in place, then it is reasonable to reply to that request explaining that and where appropriate pointing to other evidence on how we approach that aspect of governance given the size of our organisation. This is also a point that we can raise with the Audit Advisory Board.

The Commissioner noted that it is important that the team all recognise the need to ensure that support for the audit process is a priority.

The Commissioner also noted that we have agreed to be on the advisory group for the new office of the Biometrics Commissioner and similar conversations are taking place within that process. There is recognition in the advisory group that it is a small body and there are issues with the size of the organisation compared with the prescribed governance requirements and audit process. As part of that advisory group it is apparent that SPCB supported bodies need to work together to ensure that the audit and accountability works effectively whilst not being disproportionate to the size of the organisation.

## GOVERNANCE REVIEW

### 7. Budget rephasing

As a result of the ongoing restrictions in relation to COVID-19 as anticipated there is a significant underspend. There are projects, for example, the participation roadshow that will require budget for resources, travel, accommodation later in the year and drawdown will be required to cover that spend. In terms of the under spend we are in a similar position to the same period in 2020. The Senior Management Team are making it a priority to discuss this. The Governance Group can then reconsider in a separate meeting in September. There is approximately £110k from the budget to rephase. As in the previous year the decisions in relation to underspend and reallocation based on any review of the delivery plan will be taken in a transparent manner. Any reallocation of budget will be indicated as early as feasible to SPCB.

**ACTION:** SMT to meet end August to discuss allocation of underspend. SMT will then meet with the Commissioner to discuss recommendations for decision.

### 8. COVID-19 and phased return to office

SMT have discussed and agreed a project plan for phased return to the office, which outlines what actions need to be taken and the decisions SMT have made in terms of areas where no action required.

The plans for the phased return to the office are in line with Scottish Government and Scottish Parliament recommendations. The Group noted that this will involve hybrid working even from return date.

The Group noted a number of changes will need to take place to the set up of the office based on the Government guidance, health and safety guidance and also the results of the staff survey. Corporate Services will block out time in the office in September together with our independent IT consultants to ensure that the office is ready to function for the return.

SMT have followed an internal communications plan to ensure staff are kept up to date, including one-to-one conversations and the staff survey as well as regular email updates. Overall, staff are happy about having the option to work from the office again if safe to do so,

and also strong consensus that hybrid model of working, with



like to continue to have option for the

opportunity to continue to work from home if possible. SMT will continue to monitor Scottish Government announcements and consult with staff to provide a level of comfort that moving back to normality in line with government guidance, and risk assessments have been carried out.

As in person external events invitations and meeting requests increase the Group agreed that on balance it would be disproportionate to require a risk assessment for every occasion where the staff members choose that wish to attend in person, and where staff and the external party are following government guidance. SMT will develop some principles to communicate to staff in terms of procedures to follow if invited to in person events. Agreed that allowing staff choice as to whether to attend in person events will remain in place until April, and be reviewed at that point.

**ACTION:** SMT to meet to discuss project plan, roles and responsibilities for return to office.

SMT to communicate to staff in relation to office position on attending in person meetings or events.

## 9. Recruitment

### a) Existing vacant posts

The Group noted that there are currently vacant posts that are included in the headcount approved by the SPCB and the office is currently operating understaffed.

Head of Strategy provided an overview to the Group on existing vacant posts within the Strategy team that is in the staff headcount as agreed with the SPCB but remains unfilled.

The first proposal is to recruit a generalist role of a Policy Officer as there has been a shortage of policy capacity which has impacted Strategy, and across other teams. It is a matter of urgency to fill this post. It was proposed that this would be a permanent post rather than fixed term. The Group agreed this approach. The job description had been circulated for comments, and the Group approved this in principle. Head of Corporate Services noted that once the post has been filled should look at the job descriptions across policy roles in Strategy and consult on those to ensure consistent and clear how sit in the structure of the organisation.

The second proposal is to recruit a Participation Officer for a six month fixed term post. In the budget and business planning the Group had identified a need for additional support in relation to digital participation given that during COVID-19 participation work had taken place online. The recommendation is that the office needs to recruit a fixed term post to support the Young Advisers Group and also the proposals for the participation roadshow in October, November and December that require dedicated participation resource. The post would not be digital specific (although this would be part of the job description) in light of easing of restrictions and return to more in person participation work. As with the policy position the office is currently under-staffed and operating below its approved FTE

headcount. This is also a  
in expertise required on a  
increased participation

role that would address a core shortfall  
temporary basis given plans for  
work and the need to avoid

disrupting other functions of the office. The role would also help build capacity and skills across the office in the longer term. The Group approved this recruitment in principle. The job description would be shared with the Group for comments with a view to commencing recruitment as a matter of urgency.

The Head of Corporate Services highlighted the need to ensure the recruitment of those roles was communicated internally to staff before go out to advertising.

#### **b) Interview guarantee**

At present, the office's recruitment guarantees an interview to anyone who is disabled, or care experienced if they meet the essential criteria. In terms of equalities outcome report the Group noted that some organisations have added to this for other groups. After discussion the Group agreed that this is something would like to explore but would require careful consideration and approach in a transparent and structured way before making any amendments to the recruitment process. It was agreed by the Group that for this round of recruitment would continue with current interview guarantee but would look carefully over longer-term on whether and how to update this.

The Group agreed that this is a discussion that should have with our Young Advisers in terms of inequalities and seek their views. It was agreed to add this to the Young Advisers Governance Group agenda for October, when the Head of Corporate Services is due to meet with them to discuss human resources, and other functions that sit within Corporate Services.

### **10. Participation Roadshow**

Staff have been allocated into three groups based on age and stage of children and young people to develop ideas for participation activities for the roadshow. Those groups have each been having meetings, feedback to the all staff Monday morning meeting and to team meeting. The Commissioner has attended a meeting of each group and they are making progress.

At the all staff meeting where each group feeds back to the others the Commissioner stressed the importance of each member of staff having the opportunity if they wish to feed into other groups ideas, whether within that space or outside the meeting.

In terms of next steps for planning the trips themselves it was agreed that the process needs to be strategic, streamlined, clear and transparent. This process also needs to recognise the existing pressures on staff time. There also needs to be a process for issuing and coordinating the responses, setting budgets and allocating staff to each trip.

The Group noted that there are a lot of operational decisions to be made on how to plan the trips and the Commissioner and SMT would meet separately to discuss. It was noted that following the recruitment of the participation post that role would be the ideal coordinator to support how to take forward the trips.

**BREAK**

## **CHILDREN AND YOUNG PEOPLE'S PARTICIPATION**

### **11. Young Advisers Groups (YAG)**

The work of all three groups is well underway.

The ENYA group have finished their core programme of work, which they all found really positive. We are working with them to see what other opportunities they may be interested in, for example, joining another group or another piece of specific focussed work. One opportunity is likely to be for the Young Advisers to appear with the Commissioner in front of the COVID-19 Recovery Committee of the Scottish Parliament.

The Governance Group have a full programme of activity for the whole year in place, including helping shape the delivery plan for FY22/23, budgeting process, recruitment and HR policies.

The Mental Health Investigators meet in two weeks time. A key area of focus is the role of school counsellors. The first meetings will be to do some training and skills building. The training programme is an opportunity for them to develop transferable skills, including interviewing, building questions and surveys. The work of the Mental Health Investigators Group is likely to run beyond the original timeline agreed so need to give some thought if extend time of their roles. The main substantive work is likely to take place in June 2022. There may also then be follow up opportunities for speaking engagements.

In terms of learning from supporting the new Young Advisers in an online environment, it is much harder to form relationships when the Young Advisers Group has not met each other in person, or meet us. In order to build those relationships online it takes much longer and if this model is used in the future need to factor that into planning. Support for YAG, none of the groups have met in person yet, all activity online, much harder as relationships not been built in person, challenge to support and to assist gel as a Group. Taking a lot longer when working online. Learning point that if solely online involvement needs much longer build in time to develop the relationships.

The Comms team have been meeting with the Young Advisers to build relationships with them and give examples of ways can get involved with comms.

### **12. Additional participation opportunities**

Some in person participation opportunities have been possible. The Commissioner visited a secondary school to hear from pupils about return to school following COVID-19, and assessments. The Commissioner attended the launch of Aberlour's Parents Lockdown book for the South Ayrshire Family Service. The office provided a Foreword for this book.

There has been a lot of work with the Scottish Youth Parliament and other young people who have raised issues with education and assessments.

In terms of our work in law young people continue approach to inspection at for the inspection.

relation to children in conflict with the to complete our survey to inform our HM Polmont. We are waiting for a date

## MONITORING

### 13. Contribution Management Plans and Continued Professional Development for all staff

Each member of SMT updated on status of contribution management plans for their teams. These are nearly complete and are used as a 'live' tool for one to ones throughout the year. Training needs have been identified for staff, and also training needs from previous year which were unable to be delivered due to COVID-19. Identified training asks to go to SMT to look at training budget for the year.

SMT have identified a number of office wide all staff training, for example, writing in plain English, considering the accessibility of your communications.

The Commissioner has had discussions with each member of SMT in terms of their continued professional development. The procurement process to source Executive Coaching for each member of SMT is due to go out to tender shortly.

The Commissioner strongly supports facilitating work shadowing for staff as COVID-19 restrictions ease and allow such opportunities to take place. This is very timely as there have been significant changes in political and civil society at both domestic and international level. Extremely valuable and important to support staff to do this in terms of building good relationships for the office particularly with civil society and other key partners. It is an important aspect to support staff to devote time to and ensure this is clearly encouraged across the office.

### 14. Risk register

SMT met to discuss the risk register for FY20/21, and had a business continuity meeting. This meeting was based on advice from BDO, which had been useful. The final version of the risk register was circulated to the Commissioner after the meeting and was approved.

### 15. Any other business

None.

### 16. Reflections on meeting

Timings on the agenda had been helpful, and as develop the Group will improve in terms of estimating timing required for each agenda item. The Group had provided clear indications of key points that should be minuted, which helped with accurate note taking. The Group recognised that the meeting sometimes veered into operational discussions rather than focussing on strategic discussion. It was agreed to consider as part of SMT's review of the meeting framework for the office more broadly how best to try to create additional space for those operational discussions, bearing in mind pressures of meetings on diaries already.



It was discussed that feedback from Young Advisers was that it was great at meetings to have the space to feel young again and have fun in meetings around the serious agenda items.

#### CONFIRMATION OF MINUTES

Title	Children and Young People's Commissioner Scotland
Name	Bruce Adamson
Signature	
Date	28 October 2021