

## **SCoSS Board Meeting**

**Date: 26 February 2020**

**Time: 10:30 – 15:40**

**Venue: Victoria Quay, Edinburgh.**

## **Minutes**

### **1. Welcome and apologies, declarations of interest**

#### **Present:**

Dr Sally Witcher (Chair);  
Sharon McIntyre (Member);  
Judith Paterson (Member);  
Dr Mark Simpson (Member) (from agenda item 3).

#### **Apologies:**

None.

#### **In Attendance:**

Nicole Fraser - SCoSS Administrative Officer;  
Fiona Lodge - SCoSS Deputy Secretary (minutes);  
Terry Shevlin - SCoSS Lead Secretary;

#### **In Attendance for agenda item 3:**

Alasdair Macleod – Scottish Government Carer Benefits and Case Transfer Policy Unit Team Leader;  
Jane Sterry – Scottish Government Senior Policy Advisor;  
Helen Tomison – Scottish Government Carer’s Additional Child Payment Product Owner.

#### **In Attendance for agenda item 5:**

Morven Brooks – Disability Equality Scotland Chief Executive Officer (by video conference);

Suzie Scott – Everyone’s Children Manager;  
Iain Smith – Inclusion Scotland National and Local Policy  
Manager;  
Andrew Strong – The Alliance Assistant Director, Policy and  
Communication;

### **Declarations of interest:**

The Chair noted that a colleague from Inclusion Scotland would attend for agenda item 5.

## **2. Minutes of the previous meeting**

A minor correction to the January draft minute was proposed. The Chair noted that she had other proposed changes and would circulate these after the meeting.

**Action – Chair to forward comments on draft January board meeting minutes to Secretariat and, once these are actioned, Board to agree the minutes by correspondence.**

## **3. Carer’s Additional Child Payment**

The Chair welcomed Scottish Government officials to the meeting to provide an overview of the Carer’s Additional Child Payment, the draft regulations for which are expected to be referred to SCoSS later in 2020.

Members then asked questions about the likely content of the draft regulations, based on their experience of scrutinising other regulations, including on issues such as eligibility, take up and modelling of poverty impact. Members also asked about officials’ plans for stakeholder engagement on the payment and asked for further information on the ‘engagement landscape’. The Chair noted SCoSS’s intention to more closely involve people with lived experience in its ongoing scrutiny of draft regulations. The Chair highlighted the possibility, where appropriate, of SCoSS accessing relevant outputs from the Scottish Government’s engagement with stakeholders, and potentially building on

prior Scottish Government consultation in a way that added value rather than duplicated efforts.

The Chair stressed the importance of officials providing as much clarity as possible on timelines associated with scrutinising the draft regulations; of officials providing relevant information at as early a stage as possible and adhering to any agreed deadlines; and, of SCoSS being given sufficient time to scrutinise the draft regulations when referred. The Chair also said that SCoSS would welcome feedback from officials on how its scrutiny could be most useful.

**Action – Secretariat to discuss with Scottish Government officials the potential to access relevant information arising from their stakeholder engagement on the Carer’s Additional Child Payment, and to request further information on the engagement landscape.**

**Action – Secretariat to obtain clear timelines on the Carer’s Additional Child Payment from Scottish Government officials, to inform SCoSS’s scrutiny of the draft regulations.**

#### **4. Disability Assistance for Children and Young People draft report**

Members considered a draft report on the draft regulations and expressed concern that the accelerated timetable for scrutiny had affected the quality of information provided by Scottish Government officials.

Members agreed a process and timetable for signing off the final version of SCoSS’s report on the draft regulations.

**Action – Chair to discuss, with the deputy director of social security, the quality of information provided to SCoSS to inform its scrutiny of the draft Disability Assistance for Children and Young People regulations.**

**Action – Secretariat to clarify the Scottish Government’s intended timescales for introducing its proposed social security bill.**

**Action – Judith Paterson to provide a further draft report on the draft Disability Assistance for Children and Young People**

**regulations for members' consideration. Members to sign off the report by correspondence, by 6 March.**

## **5. Lived experience roundtable**

The Chair welcomed stakeholders to the meeting and noted SCoSS's desire to better engage people with lived experience in its work, as a means of improving its scrutiny and positively impacting the lives of those with lived experience.

Participants outlined ways in which their organisations may be able to assist SCoSS with this ambition, noting various practical considerations that would have to be taken into account. For example, the need for sufficient time to involve stakeholders with lived experience, and for clarity on the questions or issues on which views may be sought. The discussion was framed, in part, around how SCoSS could have sought the views of people with lived experience in its scrutiny of the DACYP draft regulations, had there been more time to do so.

The Chair summarised issues to consider as SCoSS continues to develop its thinking in this area, including resources and the importance of providing early notification to stakeholders should SCoSS seek their support.

**Action – Sharon McIntyre to develop an approach to SCoSS involving people with lived experience in its work, including seeking stakeholders' views.**

## **6. Lived experience roundtable reflections**

Members reflected on the stakeholder discussions and potential approaches to gathering views from people with lived experience.

**Action – Secretariat to request from the Disability and Carers Benefits Expert Advisory Group relevant work it has undertaken on engagement with stakeholders.**

## **7. Rolling actions**

The Board discussed the rolling actions paper and expressed concern that delays in information being supplied to SCoSS were affecting its ability to discharge its work.

**Action – Chair to raise concerns about the provision of information to SCoSS with the deputy director of social security.**

## **8. Work plan**

The Secretariat noted that Scottish Government officials had been asked to provide more detailed timelines on future draft regulations that SCoSS would be required to scrutinise. Members agreed the date of the next Board meeting.

## **SCoSS Board Meeting**

**Date: 27 February 2020**

**Time: 10:35 – 12:40**

**Venue: Victoria Quay, Edinburgh.**

## **Minutes**

### **8. Welcome and apologies**

#### **Present:**

Dr Sally Witcher (Chair);  
Sharon McIntyre (Member);  
Dr Mark Simpson (Member).

#### **Apologies:**

Judith Paterson

#### **In Attendance:**

Nicole Fraser - SCoSS Administrative Officer;  
Fiona Lodge - SCoSS Deputy Secretary (minutes);  
Terry Shevlin - SCoSS Lead Secretary.

### **9. Framework Document**

The Board considered a draft Framework Document prepared by Scottish Government officials, setting out the broad framework within which SCoSS operates. Members raised a number of concerns about its content.

**Action – Members to provide comments on the Framework Document to Secretariat.**

**Action – Secretariat to provide feedback on the Framework Document to Scottish Government officials.**

**Action – Chair to raise concerns about the Framework Document with the deputy director.**

## **10. Scottish Government protocol**

The Board considered a paper by the Secretariat that included a further draft of a proposed protocol between SCoSS and the Scottish Government on information required to allow SCoSS to perform its scrutiny role.

Members discussed various amendments that could be made to the draft protocol to take into account SCoSS's recent experiences of scrutinising draft regulations. For example, it was suggested that it would be beneficial to propose a preferred timeline for SCoSS's overall scrutiny of future draft regulations, and for regular reviews of the final protocol to be scheduled.

The Board agreed to adopt a checklist for use when members first consider an approach to scrutinising draft regulations. This would help to provide structure and consistency to the scrutiny process.

**Action – Members to send comments on the draft protocol to Secretariat.**

**Action – Chair to discuss the protocol with the deputy director of social security when further developed.**

**Action – Secretariat to develop, for the Board's further consideration, a checklist to inform SCoSS's scrutiny of draft regulations.**

## **11. Freedom of Information Memorandum of Understanding with Scottish Government**

The Board considered a draft Freedom of Information Memorandum of Understanding (FOI MoU) between SCoSS and the Scottish Government, which aims to cover the handling of requests for information made under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004. The

draft MoU also contains a section on the handling of information shared between the two authorities.

The Secretariat stressed that it is up to SCoSS to make the final decisions on any FOI request it receives that may be covered by the proposed MoU.

**Action – Members to supply to the Secretariat any comments on the draft FOI memorandum of understanding, which will then be passed to the Sponsor Team for consideration by the Scottish Government. The Secretariat will prepare a further draft of the MoU for consideration at a future board meeting.**

## **12. Social Security Committee/ Scottish Government written agreement**

The Board discussed a paper by the Secretariat that invited members to identify guiding principles and processes that could be addressed in a proposed written agreement between SCoSS, the Scottish Government and the Scottish Parliament. This would aim, for example, to ensure shared expectations and understanding of how SCoSS undertakes its scrutiny role, and the information that it requires for this purpose.

Members noted the connection between the written agreement and the draft SCoSS protocol and Framework Document discussed earlier.

**Action – Members to supply any comments on the proposed written agreement to Secretariat.**

**Action – Secretariat to circulate the Protocol between the Scottish Parliament and the Scottish Government, to inform members' discussions on a proposed Written Agreement.**

## **13. Code of Conduct**

The Board discussed the draft Code of Conduct for SCoSS members having noted, at its July 2019 board meeting, the need to ensure that associated public appointments processes accommodate equality and diversity.



Board members agreed that concerns about the equalities provisions within the Code of Conduct had been satisfactorily resolved by the Scottish Government's Public Bodies Unit. Minor outstanding issues will be pursued separately.

**Action – Secretariat to confirm to the Scottish Government's sponsor team that Board members are content with the Code of Conduct. Further to the Scottish Government's approval, Secretariat will provide the SCoSS Code of Conduct to the Ethical Standards Commissioner.**

## **14. Risk Register**

The Board discussed SCoSS's risk register and agreed that further clarity on individual roles in mitigating risks was required; that additional mitigating actions could be added; and that any further risks that emerge in drafting the SCoSS Business Plan could be added to the risk register.

**Action – Sharon McIntyre and Secretariat to further develop the risk register.**

## **15. Qualifying Disclosures policy**

The Board considered a paper outlining the legal requirement for SCoSS to develop a qualifying disclosures (aka 'whistleblowing') policy. Members discussed the content of the policy and the need to put measures in place to try to prevent significant concerns arising in the first place.

**Action – Members to email comments on a SCoSS qualifying disclosures policy to Secretariat, who will forward to Scottish Government officials for clarification. Secretariat to provide a further version of the policy for agreement at a future board meeting.**

**Date of the next meeting – 7 April 2020.**