

**SCOTTISH SOCIAL SERVICES COUNCIL**

**Unconfirmed minutes of the Scottish Social Services Council held on  
Thursday 14 May 2020 at 10:00 am by video conference.**

**Present:** Sandra Campbell Convener  
Theresa Allison, Council Member  
Professor Alan Baird, Council Member  
Paul Edie, Council Member  
Julie Grace, Council Member  
Rona King, Council Member  
Linda Lennie, Council Member  
Peter Murray, Council Member  
Russell Pettigrew, Council Member

**In attendance:** Lorraine Gray, Chief Executive  
Maree Allison, Director of Regulation  
Phillip Gillespie, Director of Development and Innovation  
Laura Shepherd, Director of Strategy and Performance  
Gordon Weir, Director of Corporate Services  
Chris Weir, Head of Legal and Corporate Governance  
Audrey Wallace (minute taker)

**Observing:** The meeting was live streamed, and the link shared with  
SSSC staff and members of the public

**1. Welcome and apologies for absence**

1.1 Sandra Campbell welcomed everyone who attended the meeting which was being held by live streaming. She confirmed that the meeting was being recorded and live streamed to the public, via a link which was available to any members of the public who had contacted the office requesting access.

**2. Apologies for Absence**

2.1 Apologies were received from Lynne Huckerby, Council Member and Paul Edie, Council Member who would join the meeting later.

**3. Declarations of Interest**

3.1 There were no declarations of interest.

**4. Minutes of previous meeting – 24 March 2020**

4.1 The minutes of the Council meeting of 24 March 2020 were approved as a correct record subject to the wording at item 8.2 being amended to say stakeholder rather than shareholder.

**5. Matters arising**

5.1 There were no matters arising that were not included elsewhere on the agenda.

**6. Council Action Record**

6.1 The Council considered the Action Record.

6.2 With reference to item C7 Lorraine Gray confirmed that she and Russell Pettigrew would be carrying out interviews on Thursday 21 May 2020 for the post of Interim Director of Finance and Resources.

6.3 With reference to item C14 Maree Allison advised that there was a hold on the recruitment of panel members due to the other areas of pressure. She advised that the SSSC was restarting holding substantive impairment hearings and should these restart smoothly, the recruitment exercise would restart and a report would be brought to August Council with proposals to recruit senior Chairs to the Fitness to Practise panels.

6.4 Chris Weir confirmed that the proposal for the action record was that Council should, if so minded, endorse the actions recorded as complete. This would be recorded, and a full record of actions kept, however these actions which had been endorsed as completed would not then be continually reported to Council. If Members made a request to the Legal and Corporate Governance team, a report with all actions could be produced and circulated. He also clarified that any substantive change to any decision included in the action record would be brought back to Council.

6.3 The Council:

1. agreed the process for reporting
2. endorsed the actions reported as completed.

*Paul Edie arrived during discussion of the above item*

**7. Convener's Report**

7.1 The Convener presented report 25/2020 which summarised her activities since the Council meeting of 24 March 2020. She advised that due to the constraints in place due to COVID-19, most of her activities had been her involvement in various government-based groups relating to COVID-19. She advised that the SSSC officers were also involved in various groups.

7.2 Alan Baird asked for further information on the Care Homes Rapid Action Group and Phillip Gillespie advised that he was a member of that group and that it meets weekly. He also clarified that this was a short-term group with a remit around testing and personal protective equipment (PPE) in care homes. There was a separate care at home group and also a children and families and child protection group and SSSC is represented on it.

7.3 The Council:

1. noted the summary of key issues and activities reported by the Convener.

## **8. Chief Executive's Report**

8.1 Lorraine Gray presented report 26/2020 which detailed the SSSC's key performances against strategic priorities and the work of the directorates.

8.2 First, she wanted to acknowledge the hard work the SSSC staff were carrying out in order to continue to produce a very good service. She referred to the staff survey and that high-level results showed that staff were beginning to struggle in the circumstances however it was thought that concerns would ease as the lockdown situation eases and more contact is allowed with family and friends. She further referred to the types of phone calls coming in and that many of the calls were seeking help on how to deal with deaths in care homes and deaths of family members. As more guidance became available staff were able to direct callers to the correct information. She also mentioned the changes to registration and regulation duties noting that hearings were returning to business as usual, in that substantive impairment hearings would restart on 18 May 2020. The Executive Management Team (EMT) was thanked for ensuring that the SSSC was represented on all planning groups where it needed a presence and especially in sharing information with the Care Inspectorate in order to ensure receipt of full information to carry out the duty of the SSSC.

8.3 Lorraine Gray then referred to the appendix to her report, the letter from the Office of the Chief Social Work Adviser (OCSWA), and confirmed that SSSC would be focusing on

- equality duties, with training being rolled out to all staff
- the mentoring scheme with young people in the organisation who are matched against senior members of staff to support them in their career
- recruitment campaigns which are still being carried out
- European Foundation for Quality Management (EFQM) work is still carrying on.

Additionally, Lorraine Gray made mention of migration of the workforce between parts of the register and also the new body, Public Health Scotland, which was launched on 1 April 2020.

8.4 Rona King asked for some details about the temporary register. Phillip Gillespie and Maree Allison were able to give the following figures

- 110 students have submitted applications to join the temporary register
- 75 applications have been processed
- 2 are now in employment
- most services are managing with existing staff who are being merged across services
- there is a total of 226 people on the temporary register
- 151 of these are former registrants who have come back onto the register.

Although services appeared to be managing with their current staffing levels it's thought that there may be a surge in child protection issues and at that time it may be necessary to use workers on the temporary register. Peter Murray asked about staffing numbers in care homes and whether a significant number would

be needed to self-isolate once the testing for the virus was rolled out. Phillip Gillespie advised that guidance on this would be issued this week by Public Health Scotland and confirmed that workers from the SSSC recruitment portal, NES recruitment portal and local Partnerships, who have their own bank of staff, will be available to work. Peter Murray also asked if the SSSC could guarantee that there were sufficient numbers of care staff available, if the employment of nurses was excluded from the available workers. It was noted that to date all requests had been fulfilled by the three mentioned portals and that a RAG (Red-Amber-Green) system had been used to match the available workers to the places needing filled.

- 8.5 Peter Murray asked about the SSSC's responsibility for checking suitability of workers who were included in the hub. Maree Allison confirmed the process and that the responsibility lay with employers to make decisions on whether an individual is suitable to work in their service. There is published a disclaimer by the SSSC to ensure that employers understand the limits of the SSSC's role and to make it clear that the SSSC has not made an assessment of the fitness to practise of the individuals. Phillip Gillespie confirmed that this guidance is published on the portal, in the national guidance and COSLA also have the information. It was agreed that details of the guidance would be shared with Council Members and they were assured that it was properly recorded.
- 8.6 The Convener asked whether there were any issues coming to light about working conditions or management of the sector and Lorraine Gray advised that these would likely come through the helpline. Maree Allison advised that initially there were calls from workers and employers looking for guidance for use of PPE but since national guidance has now been issued, these calls have settled down.
- 8.7 Theresa Allison asked whether workers were receiving any assistance with registration fees as many would be furloughed or on reduced income. Lorraine Gray advised that the question of fees had been considered and, taking into account that some fees were reasonably low, the decision taken was to not pursue fees where they hadn't been paid. It was noted that where being made, payments, including direct debits, were being collected. Gordon Weir confirmed that fee payments were being monitored and a report will be submitted to EMT on financial forecasting based on the rate of fee payments. Lorraine Gray advised that this approach was in line with other regulators and that the recovery plan will include actions in relation to recovery of fees. The recovery plan will be submitted to the Special Meeting of the Council on 23 June 2020.
- 8.8 Rona King asked whether Equality Impact Assessments (EIA) had been carried out in relation to decisions being made and expressed concern that the SSSC had to show more awareness of the importance of carrying these out. Lorraine Gray confirmed that training was planned to start on Monday 18 May 2020 which would assist officers in carrying out their equality duties including completing EIAs. This would include looking retrospectively at decisions that had been made during the COVID-19 pandemic and to learn from these.
- 8.9 Russell Pettigrew asked whether the SSSC was continuing to recruit external candidates and Lorraine Gray confirmed that recruitment was carrying on, successfully, with virtual interviews, online induction packs and an online meeting with her for all new staff. She explained that the SSSC was not

recruiting from front line or key staff and that the online induction would continue to be developed.

8.10 The Council:

1. noted the information contained in the report
2. instructed details of the disclaimer guidance relating to people registered on the employment hub be shared with Council Members.

**9. Audit and Assurance Committee's Report to Council**

9.1 Alan Baird presented report 27/2020 from the Audit and Assurance Committee meeting of 28 April 2020. He highlighted the projected underspend. He then made particular mention of the proposed Hardship Fund for SSSC staff which was set up by some of the Directors. He advised that there had been considerable discussion at the Audit and Assurance Committee. During this, the previous internal auditor suggested that the Directors should consider establishing a charity. The Committee's main concern was the potential for future conflict of interest between Directors and those in receipt of funding. Alan Baird also reported on the clear audit report given on corporate control arrangements and finally that the Committee welcomed the newly appointed internal auditor, David Archibald, from Henderson Loggie.

9.2 Chris Weir advised that he was happy to provide advice on whether a particular course of action was within the authority of Council to direct. If Council wanted a further discussion beyond this then the matter ought to be re-visited under private business as he would have to give legal advice which would attract legal advice privilege. With regard to what statutory authority the SSSC had to set up a charity, he advised that it was not in the competency of the Council to ask the Directors to set up a charity and in doing so would be acting *ultra vires* in terms of the Regulation of Care (Scotland) Act. After receiving advice, the Convener proposed the following statement:

Council acknowledges the desire of Directors to establish a Hardship Fund for staff affected by COVID-19. Whilst supporting staff in this way is laudable, in the view of Council, having sought advice, there remain concerns that potential problems could arise for Directors and the Chief Executive in administering such a fund. Council believes there remains a conflict of interest and strongly advises against the Chief Executive establishing the Fund and potentially compromising themselves and the organisation.

Council endorsed the statement in response to this issue.

*Paul Edie declared an interest in the following matter as Chair of the Board of the Care Inspectorate*

9.3 The Convener then addressed the issue of the report on shared services and advised that this should be delayed and brought instead to the Special Meeting of the Council which would take place on 23 June 2020, to give sufficient time to prepare the information for the report. Paul Edie confirmed that a meeting of the Care Inspectorate Board is scheduled for 18 June 2020 and it was fortuitous

that both bodies would be considering the matter around the same time. Lorraine Gray confirmed that the auditors had been in conversation with SSSC officers and were aware of the current situation.

- 9.4 On the matter of the projected underspend and the preparation of the Annual Accounts, Russell Pettigrew was given assurance that Members would be informed should there be any significant change to the projection figures reported.
- 9.5 Peter Murray asked for clarification on the wording of the section on 'Actions complete' on page 15 of the Audit and Assurance report dated 30 March 2020. Maree Allison confirmed that this did not relate to the staffing capacity of the SSSC but the ability of officers to take statements etc from other agencies in order to progress cases, in the context of not putting unnecessary demands on services. She acknowledged this was a difficult balancing act.
- 9.6 The Council:
1. accepts that the Assurance report presents a true and fair view of the SSSC's performance towards achievement of strategic objectives, financial management and risk identification and management. In particular
    - a. operational performance as measured by strategic KPI give confidence that the SSSC was delivering as forecasted to meet its strategic objectives as agreed with the Sponsor Department
    - b. financial performance was consistent with forecasted spend and presents no cause for concern relating to year end outturn of approved budget
    - c. operational delivery and financial expenditure were consistent
  2. takes sufficient assurances that the SSSC's corporate control arrangements represent good practice in the areas highlighted
  3. deferred consideration of a further private report from management on the progress of the shared services implementation to the Special Meeting of the Council on 23 June 2020
  4. takes assurance that management are considering relevant risks of the decisions they are making to react to the COVID-19 situation, but that management also make sure they are considering and documenting the likely impact of such decisions
  5. acknowledges the desire of Directors to establish a Hardship Fund for staff affected by COVID-19. Whilst supporting staff in this way is laudable, in the view of Council, having sought advice, there remain concerns that potential problems could arise for Directors and the Chief Executive in administering such a fund. Council believes there remains a conflict of interest and strongly advises against the Chief Executive establishing the Fund and potentially compromising themselves and the organisation
  6. takes sufficient assurances from Q4 internal audit reports and in particular that the SSSC's corporate controls represent good practice in corporate governance.

## **10. Postgraduate Social Work Student COVID-19 Hardship Fund**

- 10.1 Phillip Gillespie presented report 28/2020 which explained that the Scottish Government had asked the SSSC to manage and administer the Hardship Fund

for postgraduate social work students to help those in financial hardship as a result of the COVID-19 outbreak.

10.2 Council was advised that the Scottish Government had provided £129k additional funding to be ringfenced for this purpose for the period April to June 2020 and plans are being discussed with a view to extending this period, should this be required. Phillip Gillespie confirmed that an Equalities Impact Assessment (EIA) had been completed and would be made available to Members.

10.3 The Council:

1. approved the planned approach for the SSSC to manage and administer the Hardship Fund on behalf of the Scottish Government
2. noted that the EIA for the process had been completed and instructed this to be made available to Members.

## **11. Complaints Performance 1 April 2019 – 31 March 2020**

11.1 Lorraine Gray presented report 29/2020 and the Complaints Performance Report for 2019-2020. During discussion she advised on main points such as

- the number of complaints is fewer than in the previous year, which is a marked achievement, especially considering the number of workers now on the Register
- four complaints had been referred to the ombudsman of which the SSSC was asked to issue an apology in only one case
- many of the complaints were in relation to the time taken to resolve fitness to practise referrals but the statutory timescales built into the legislation made it difficult to shorten the time taken
- a number of other complaints related to applicants not being registered
- where we find complaints are for the Care Inspectorate, they are redirected
- take on board including comparisons to other regulators in future reports
- look at the impact on people who use services and their carers.

11.2 The Council:

1. approved the complaints handling performance and the improvement actions including those mentioned above.

## **12. Digital Development Update**

12.1 Laura Shepherd presented report 30/2020 which sought approval of the digital development work to date and which also presented information about the governance groups proposed to oversee delivery of future digital development work.

12.2 She confirmed that of the seven projects for 2019/20, four had been completed and closed and the other three were on track to be completed by the end of June 2020. However, she also advised that the programme for 2020/21 was being delayed as neither the SSSC nor the Scottish Government digital transformation team had capacity for the work currently. Details of a revised

proposed timeline will be presented to the Digital Sponsor Group at its meeting in May 2020.

- 12.3 When questions were asked about the purpose and benefit of the retrospective Business Case presented at appendix 1 to the report, Lorraine Gray confirmed to Members that this would not be carried out in normal circumstances however the ICT Healthcheck suggested that it should be done in order for the SSSC to learn from the process and identify good practices and where there were weaknesses in the actions taken.
- 12.4 With reference to the risks, these have been reported to the SSSC Digital Sponsor Group and Members noted that these have not changed significantly. Laura Shepherd reported that she had confirmation that the cost of the Microsoft licences had now been agreed at £42k.
- 12.5 On the question of future reporting of the digital development plan, Members noted that both Alan Baird and Theresa Allison were Members of the Digital Sponsor Group and agreed with the monitoring and reporting proposal, which included an annual roll-up report to Council, with the provision that anything untoward would also be brought back to Council.
- 12.6 The Council:
1. endorsed the progress made to date
  2. endorsed the future monitoring and reporting process.

### **13. Policy Library Update**

- 13.1 Laura Shepherd presented report 31/2020 along with a proposed library of policies which would require approval of the Council or Executive Management Team. She explained that several officers had been involved in the work to ingather all the policy and guidance information which is held within the SSSC. The RACI chart and the decisions guidance flowchart attached to the report were used to determine the approval route for each of the policies and this informed the policy library which was being presented.
- 13.2 In answer to a query about an anomaly in the two charts, where it appeared that there was a difference between approval routes for the strategy documents, Chris Weir agreed that the chart would be reviewed for any similar anomalies and corrections made to ensure that the documents were consistent. Chris Weir gave advice on ensuring that the appropriate approval route was taken, and he cautioned against Council becoming involved in operational processes and reminded Members that their role should concentrate on strategic decisions.
- 13.3 Discussion turned to the library list and in particular the policies owned by HR. Rona King highlighted that many of these were out of date, and referred to out of date legislation, which is a risk to Council. Council Members were not content with the timetable of policy review dates that HR had offered, noting that this made the Council non-compliant with its legal obligations. As the Director responsible for the HR service, Gordon Weir agreed to take this back to the Interim Head of HR and provide a report on revised dates to be circulated to



Council Members at an early date. There was some concern expressed about staffing capacity to do this and Lorraine Gray assured Members that once the revised shared service agreements were in place, the work of the service would be reprioritised. It was stressed that these HR policies needed to be revised as a priority otherwise the Council was open to significant risk.

13.4 Members then discussed the assurance route for policies approved by EMT and not by the Council and Laura Shepherd advised on the assurance steps which would be put in place including the reporting of any changes to Council. Lorraine Gray reinforced this position by asking Council to trust the Directors to act legally, take best advice, take legal advice and consider the risks to the organisation in prioritising policy reviews.

13.5 The Council:

1. agreed that the Chief Executive will bring back a further report to Council addressing the concerns expressed
2. RACI chart to be updated
3. agreed that the Retirement and Redundancy Policy/Retirement/Early Severance be included within the list of policies to be approved by Council
4. instructed management to update the policy library accordingly for Council approval
5. instructed a further report setting out timeline for changes to policy.

#### **14. Strategic Performance Report March 2020**

14.1 Lorraine Gray presented report 32/2020 which presents the progress made to deliver strategic outcomes and priorities as set out in the Strategic Plan 2017-20. She commented that the current plan is much more robust in gathering information through surveys and she highlighted areas where the SSSC had done well and also referred to areas where it could do better, where changes were being considered and made, including encouraging more workers to attend hearings.

14.2 Phillip Gillespie spoke on the improvements to learning resources for workers and how the data on workers accessing these would be captured and shared with Members.

14.3 Alan Baird commented on the reduction in percentage of registrants who believe that registration with the SSSC provides positive benefits to them. He was concerned about this reduction. It was agreed that at this time while services were in the forefront of the news there was an opportunity the SSSC could not miss to ensure that workers will see and feel the benefits of registration. Lorraine Gray advised that work was also being carried out with Skills for Care and Development to highlight the benefits and to work on nationally supporting the sector.

14.4 The Convener confirmed that this was being discussed at the highest level by the Office of the Chief Social Work Adviser and information would be brought forward in time.

14.5 The Council:

1. commented upon and noted the content of the Strategic Performance report to March 2020.

**15. Strategic Plan Delivery Plan**

15.1 Laura Shepherd presented report 33/2020 which set out how the SSSC proposed to measure delivery set against the Strategic Plan 2020-23. This assisted in identifying areas to be developed and she advised that the evaluation measures against the new indicators, would be reported to the next meeting of the Audit and Assurance Committee.

15.2 It was noted that there was little information on methods of measuring the three characteristics:

- We are a respected and valued organisation
- People want to work at the SSSC
- Work with others to deliver our outcomes.

A number of suggestions put forward, including gathering additional information in the surveys, widening the pool of the survey and including the complaints information.

15.3 Lorraine Gray advised that there is information available which is ingathered for other purposes such as Investors in People award and work will be done to pull the information together to present a more complete package to the Members.

15.4 The Council:

1. approved the Strategic Delivery Plan 2020/23.

**16. Strategic Risk Register**

16.1 Laura Shepherd presented report 34/2020 which attached a revised Strategic Risk Register for consideration, following the decision at the Council meeting on 24 March 2020 to include a specific risk related to the COVID-19 pandemic. She advised that the internal auditors had given guidance on how best to set up the risk and that there were a number of external documents which could be referenced to support the information. Members requested that a reference to financial implications should be included, having noted that these were currently being worked through.

16.2 Following a question about staffing and home working during the pandemic, Lorraine Gray advised that high level results from the recent staff survey identified issues such as isolation. However, she felt that some of this would be relieved once the Scottish Government was in a position to relax the lockdown rules.

16.3 The Council:

1. approved the Risk Register for Q1

2. delegated responsibility to monitor the Risk Register to the Audit and Assurance Committee.

**17. Communications and Engagement Strategy 2020 - 2021**

- 17.1 Laura Shepherd presented report 35/2020 which set out the planned Communication and Engagement Strategy for 2020-21. She explained that she would normally present a three-year strategy in line with the Strategic Plan but, due to the revised interim priorities issued by the Scottish Government, the one-year plan would allow the SSSC to best respond to the circumstances brought about by the current COVID-19 outbreak. This would include working with other national partners to support the sector.
- 17.2 Theresa Allison commented on the paper and flagged up to officers to be aware when contacting the sector, especially on the workstream of gathering stories of experience, that generally services were under pressure to respond to many requests from various organisations for information and to be sensitive to this. Laura Shepherd confirmed that there were processes in place to share information with other bodies to try to avoid duplication.
- 17.3 Although there was no Equality Impact Assessment carried out. Laura Shepherd assured Members that the Equality Coordinators would be consulted on how best to contact the sector.
- 17.4 The Council:
  1. approved the one-year strategy and its implementation

**18. AOCB**

- 18.1 There were no matters of additional business.

**19. Date and time of next meeting**

- 19.1 The next Council meeting will be a special meeting to be held on 23 June 2020 at 2.00pm. The following meeting will be the scheduled meeting on 20 August 2020 at 10.00am.

**Private Session**

Items 20 and 21 were discussed in private and minuted separately.

**Council 14 May 2020  
Start time: 10.00 am  
Finish time: 12.40pm**

**Signed: \_\_\_\_\_ Date: \_\_\_\_\_**

**Sandra Campbell  
Convener**