

EXECUTIVE BOARD MEETING

MINUTES OF MEETING HELD ON 27 MAY 2014

CROWN OFFICE, EDINBURGH

Present: (Chair)	Catherine Dyer	Crown Agent/Chief Executive
	John Logue	Director of Serious Casework
	John Dunn	PF East of Scotland
	David Harvie	PF West of Scotland
	Liam Murphy	PF North of Scotland

In attendance:	Evelyn Aitken	Finance Division
	Janice Irvine	Director of Human Resources
	Stephen Woodhouse	Head of Corporate Office
	Kevin McArthur	Minute Secretary

Welcome

1. The Crown Agent welcomed everyone to the meeting. No apologies were recorded

Minutes of Previous Meeting and Matters Arising

2. The minutes of the meeting held on 17 April 2014 were noted and approved.

Risk Management

3. Stephen Woodhouse introduced paper EB(1415)01 which provided details of the current work on the risk management processes within COPFS and sought approval of the Board to appoint a Risk Champion.

4. The meeting acknowledged the significant risk surrounding the current resource issues in COPFS Finance Division albeit the sourcing of quality fixed term staff and scrutiny by Finance Management Group were mitigations. It was noted that an upcoming recruitment exercise for two senior management posts will provide stability. The members thanked all of the Finance staff for their hard work in these challenging times.

5. The Risk Management Group recommended that COPFS should introduce a "risk champion", a senior manager at Board level, whose role would be to ensure that appropriate and robust risk management processes are in place, that risk is given the necessary priority within the organisation, and that barriers to managing risk are removed. The appointment would provide an improved focus for risk management activity and a greater assurance that mitigating actions are being taken. The Board agreed Liam Murphy, Procurator Fiscal for North of Scotland as the COPFS Risk Champion.

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Governance Structure

6. Stephen Woodhouse introduced paper EB(1415)02 which sought Board approval of the new governance structure and the proposed Operational Board Terms of Reference (TOR).

7. The meeting discussed the role of the Heads of Business Management (HBM) within the new structure. It was agreed HBMs should meet with the Operational Board Chairs, with an Executive Board member, to clarify their roles.

ACTION: Corporate Office to set up meeting

8. The Board agreed, in principle, to the proposed Terms of reference. The members asked that clarity be provided that each Board may allocate resources within their respective function across Federation but only after discussion with Federation Heads.

ACTION: Corporate Office to circulate revised TORs for approval

9. The Board agreed the new governance structure and the new reporting template.

Transfer of Items between Offices

10. David Harvie provided an update on the current position in relation to the transportation of potentially sensitive information on items such as CCTV and audio tapes across the justice system. It is clear the risk of loss of information extends beyond disclosure and includes internal transfer of items. While there are processes to mitigate risk in place, the meeting agreed a Policy based project group be set up to look at this further to see if anything further is required and that an update be provided to this Board in August.

ACTION: Policy Division to provide paper at August meeting

Recruitment Update

11. Janice Irvine introduced paper EB(1415)04 which provided indication of the practical implications of recent decisions taken by the Civil Service Commission on the use of fixed term contracts without fair and open competition in the public sector. The Strategic Human Resource Group was convened on 20 May to consider the business and resourcing impact across the organisation. The conclusion of the Group was that there are many strengths in the new approach although this is clearly to be balanced with some significant challenges. The quality of candidates will be higher following open competition as well as the opportunity to plan for foreseen vacancies.

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12. The meeting noted there will be exceptional circumstances where the use of fixed contracts without fair and open competition will be allowed, however COPFS must be able to justify why, in any particular appointment, it has not been possible to select through a fair and open competition.

13. The meeting noted that the new Civil Service Commission rules on appointment will require COPFS to seek authority from the Civil Service Commissioners before re-employing someone who has worked for COPFS on a fixed term contract, regardless of length, within 12 months from the end of their contract to a similar position. Such authority would only be granted in exceptional cases and COPFS should therefore regard this as an option which is not available

Finance Update

14. Evelyn Aitken provided an explanation on the 2013/14 position in respect to under spend in depreciation and impairment. The budget allocated to these are ring fenced and cannot be recycled within COPFS. The amounts are returned to Scottish Government. Finance Division are looking closely at the 2014/15 allocation and expect it to be spent fully.

15. The meeting noted two VAT bills seeking back payment from NHS suppliers over a 5 year period had recently been received as a result of exercises carried out by HMRC. All COPFS contracts where VAT is not already paid are being reviewed to mitigate any risk of further unexpected bills being received in the future.

16. The meeting noted the outturn for 2013/14 is a £37,000 under spend in running costs. The Board thanked Finance Division and the Federations for their hard work and diligence in achieving this. The Board also acknowledged the positive influence of Finance Management Group.

Performance Update

17. Stephen Woodhouse introduced paper EB(1415)05 which advised the Board of COPFS performance against targets for 2013/14. Despite a significant rise in the number and complexity of criminal cases reported to COPFS all targets were met or exceeded. Executive Board noted that Law Officers had been advised of the position and expressed thanks to all staff for delivering such a creditable performance in challenging times and the Executive Board reiterated thanks to all staff.

AOB

Cold Case Unit Resource

18. John Logue introduced paper EB(1415)06 which highlighted the potential resource implications of cold cases.

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19. The meeting noted the position and asked that a further paper come back to the Board in September.

ACTION: Stephen McGowan to provide further paper to September meeting

Business Services Delivery Group (BSDG)

20. The members agreed they should meet with BSDG members twice a year to ensure communication lines between the strategic and day to day delivery of the business are clear and open.

ACTION: Corporate Office to arrange dates

Trainee minimum pay increase

21. The Board noted and authorised the payment of the increase to the minimum of the Trainee pay scale in line with the Law Society of Scotland recommendations.

Kevin McArthur
Corporate Office
27 May 2014