

**Approved**

## **Independent Living Fund Scotland: Board Meeting**

**Video Conference**

**Tuesday 17 October 2023 - 11:00 am to 1:00 pm**

### **Present**

Liz Humphreys  
Mark Adderley  
Étienne d'Aboville

Vice Chair, Board Director  
Board Director  
Board Director

### **Apologies**

Anne-Marie Monaghan  
Betty McAtear  
Harvey Tilley

Board Director  
Board Director  
Chief Operating Officer

### **In Attendance**

Peter Scott  
Jim Maguire  
Paul Hayllor  
Linda Scott

Robert White  
Aileen McNiven

Chief Executive Officer  
Finance Director  
Director of Digital and Information Services  
Director of Policy, Improvement and  
Engagement  
Director of Self-Directed Support  
Head of Business Services

## **Welcome, Declarations of Interest and Apologies**

Liz Humphreys (Liz) welcomed everyone ahead of opening the 32<sup>nd</sup> ILF Scotland Board Meeting. A special welcome was offered to Stephanie Hayle who joined the meeting as an observer.

As Vice Chair, Liz clarified she would Chair the meeting as ILF Scotland awaits the formal appointment of a new Chair.

Liz spoke of the massive contribution from the ex-Chair Susan Douglas-Scott (Susan) and ex-Chair of the Audit and Risk Committee, Alan Dickson (Alan) as they both ended their 8-year term with ILF Scotland on 11 October 2023. Both Susan and Alan leave the organisation in good hands and in good health. Susan and Alan were appointed to the Board as ILF Scotland was created in 2015. They supported the organisation during the set-up phase and have championed the work to the point of re-opening. Liz offered a deep-felt thanks from the ILF Scotland non-executive Board Directors and the organisation as a whole.

Liz referred the Board Directors to the 'Pre submitted Questions and Comments' at Appendix A, noting how helpful they are to allow the Executive Team to answer questions comprehensively prior to the meeting. Liz requested that this paper be included as an appendix to formal board minutes as it should form part of the official record.

**Action 1:** Aileen to include the 'pre submitted questions and comments' as an appendix in all future Board Minutes to ensure these are a formal record of the questions and answers and for reasons of good governance practice.

## Chairs Remarks

- Liz opened the meeting with the great news that the re-opening of the 2015 Fund in Scotland to new applications was announced by the First Minister in the Programme for Government in September, with an initial investment of £9 million in year one. Liz highlighted that this is the news that disabled people and ILF have been working towards since we were established as a public body in 2015.
- Liz spoke of the concerns ILF Scotland faces in the 2015 Fund and Transition Fund which is addressed through the agenda.
- During Q2 ILF Scotland have continued to support the health and wellbeing of all staff, with this being front and centre of our business planning during 2023 to 2024 and the future.
- During September ILF Scotland were also very proud to have been awarded a Top 30 Benchmarking place from Working Families UK. This is the 6th year ILF Scotland have appeared in the Top 30.
- In summary, Liz stated this has been another challenging but equally rewarding 3 months for ILF Scotland and the Board are proud of what has been achieved. The Board are looking forward to supporting the organisation to deliver their priorities for disabled people to live independently with choice, control and dignity.

## Declarations of Interest (DoI)

No Declarations of Interest (DoI) received for the 17 October Board meeting.

Liz Humphreys (Liz) has updated her DoI directly with Aileen McNiven (Aileen)

Etienne d'Aboville (Etienne) confirmed a change to his Declaration of Interest: removal of relationship with Community Renewal Trust.

**Action 2:** Aileen McNiven (Aileen) will update the Declaration of Interest register.

## **1. Minutes of Previous Meeting (refer to paper)**

The Board approved the Board Minute of 27 June 2023.

### **Matters Arising**

Peter Scott (Peter) updated that he and Susan Douglas-Scott met with Maree Todd, MSP, Minister for Social Care, Mental Wellbeing and Sport on the 28<sup>th</sup> of August 2023. The meeting was predominantly an introduction to ILF Scotland for the new Minister and a discussion about the possibility of re-opening, which at the date of meeting had not been confirmed.

## **2. 2015 Re-Opening 2024 to 2025**

Liz referred back to her opening remarks on the great news delivered by the First Minister during the SG Programme for Government (September 2023) of the re-opening of the Independent Living Fund.

Peter spoke of the excitement felt across the organisation following 8 years working towards the re-opening. Considerable planning work is underway due to the short time scale to deliver the re-opening during 2024 to 2025.

Following the recent Board Development Session (09 October) when the re-opening was discussed in detail, Peter updated the Board on recent developments.

The first Co-Production Working Group (CPWG) will meet on Tuesday 24 October with organisations involved in the Transition Fund Working Group (TFWG) invited, alongside COSLA and other organisations. The inaugural meeting agenda will include the terms of reference and parameters, a definition of co production, and an overview of the key issues. More detailed papers and discussion will follow where focus will be on specific challenges at future meetings. The CPWG will be jointly chaired by Peter and Iain McAllister (Deputy Director – SG).

Cognisant of the time pressure to deliver in April, Peter acknowledged that some ILF Scotland business may be rescheduled, delayed or cancelled for a period of time. The Board recognised the necessity of prioritising re-opening, whilst preventing any knock-on disruption to the 2015 and Transition Funds. The Board requested Peter inform them of any potential significant impact of delays to other areas of work.

Paul Hayllor (Paul) gave details of the project team and how capacity is being built within the wider team to support the project.

Discussions ensued during the meeting with the Board requesting good governance is observed with clear lines of reporting and approvals as appropriate during the re-opening phase of the fund. The CEO and new Chair will discuss the detail of this once the new Chair is appointed.

The Board agreed to extra Board meetings and receiving papers out with the agreed Board Schedule, if required.

Liz encouraged the senior team to ensure that alongside looking after the wellbeing of staff during this pressurised and challenging time that they look after themselves and each other.

The Board noted the verbal update on the Independent Living Fund re-opening.

### **3. Remuneration Committee Report (verbal update and draft minute on Huddle)**

Mark Adderley (Mark), Chair of Remuneration Committee, spoke to the draft minute which was shared on Huddle prior to the meeting.

The highlighted areas included:

- The Annual Staff Pay award (2023 to 2025) and CEO Remuneration (2023 to 2034) approved as an analogued Public Body.
- ILF Scotland await formal and final approval of the 35 Hour Working week. The email received from the Sponsor Team noted ‘no in-principle objection to ILFS implementing it’. The final sign off will come from Finance Pay Policy and is planned for implementation on 1 April 2024.
- The Board Succession Plan 2023 to 2025 was approved with acknowledgment from Susan that when employing the plan during the recent recruitment, the plan worked well.
- Re-opening – Capacity Paper: the meeting noted the paper as a positive detailed update of the embryonic plans to create extra capacity to deliver the re-opening of the new fund.
- Mark formally noted the need to sort the connectivity when working in hybrid meetings as unreliability has been a recent issue e.g. Betty McAtear (Betty) had missed part of the Remuneration Committee meeting due to unreliable connectivity.

Peter assured the meeting that as a matter of priority ILF Scotland will work to provide reliable connectivity during virtual and hybrid meetings.

**Action 3:** Harvey to ask Digital Directorate to procure reliable AV meeting connectivity as soon as possible.

## **4. Audit and Risk Committee Report (ARC)**

### **Audit Committee Update (2 October 2023)**

Liz informed the meeting of a positive ARC meeting with both internal and external audit actions well in hand.

Liz updated that the highlighted detail of the meeting would be addressed through agenda item 4-4e.

### **Paper 4. Management Accounts to September 2023 (refer to paper)**

Jim Maguire (Jim) was invited to speak to the paper, detailing the financial position of ILF Scotland's various funds and administration.

The 2015 Fund in Scotland and Northern Ireland continue to show a surplus. The team are working with the NI sponsor team, considering a 4.2% increase to PA rates, backdated to 1 April 2023, to align with Trust rates and which would utilise most of the NI surplus.

The Administration Budget forecast is showing a small overspend due to the Staff Pay award being higher than budgeted. The budget for the pay award was 3%, with the Scottish Government analogued pay award being 7% for 2023 to 2024. Jim assured the Board that we will attempt to cover this increase from efficiencies and underspends across the organisation.

Jim shared that the Transition Fund allocation remains well ahead of schedule and there are currently sufficient applications submitted in the system to spend most of the £5 m allocation and use the £400 k unspent TF monies. ILF Scotland, along with the Sponsor team, are currently looking at options to ensure there will be enough resource to meet demand and to support the TF staff team. They remain under considerable pressure dealing with an increase of 65% in volume of applications against Q2 2022 to 2023.

Peter spoke of the current consideration with the Sponsor Team, to reduce the Available Income charge for recipients (currently £43.00 per week). Jim confirmed that if certain assumptions were correct, ILF Scotland could afford to reduce the AI to £20 until April 2026 when the Scottish Government have pledged to remove all charges for disabled people across Scotland.

#### **4a. Modern Slavery Statement 2022 to 2023 (refer to paper)**

Liz confirmed the Modern Slavery Statement was scrutinised during the ARC meeting with a recommendation to approve at the Board Meeting.

Etienne d'Aboville (Etienne) suggested that assurance is sought ahead of the 2023 to 2024 statement. He suggested that during Assessors check, as a matter of course, that recipients are aware of the Modern Slavery Statement and follow the UK and Scottish Government guidance.

**Action 4:** Robert White (Robert) to check Assessors make appropriate and proportionate checks on Modern Slavery guidance where recipients directly employ PAs.

#### **4b. Risk Register Summary (refer to paper)**

Paul Hayllor (Paul) introduced the paper highlighting there are 10 risks outwith tolerance, 1 increased risk and 3 removed risks.

The increased risk refers to the re-opening of the fund and the position of COSLA. Peter assured the Board that SMT members were meeting with COSLA on Thursday 19 October to consider how they work together to successfully deliver the re-opened fund for disabled people across Scotland.



Liz Humphreys (Liz) noted that the committee had received significant assurances during the ARC meeting and solutions are being put in to mitigate, where possible, against the risks.

Etienne also requested during the ARC that there was more definition to the risks to ensure clarity of what the risk is, with this being noted at ARC.

The Board noted the Risk Register Summary.

#### **4c. Risk and Resilience Update (refer to paper)**

Paul updated that the Risk and Resilience procurement process has closed with a contract awarded. This new work will fully embed resilience into operational activity over the next 2 years. There will be 2 years organisational training towards a Cyber Attack simulation.

Paul also reported that new Resilience Management software will be procured during October. This software will completely align and integrate the Risk Register / Risk Management and resilience work across ILF Scotland.

The security risk remains HIGH due to the instability of various concerns across the world.

The Board noted the Risk and Resilience Update.

#### **4d. Information and Governance Report (refer to paper)**

The Board noted the Information and Governance Report.

#### **4e. Q2 Efficiency Report (refer to paper)**

Paul spoke to the paper, summarising the report.

He spoke of the plan to re-purpose existing technology to support the re-opening e.g. ICI and TF Portal. He also referred the Board to the report which included information on sustainability and carbon reduction efficiencies.

The Board noted the Q2 Efficiency Report.

#### **5. Q2 Corporate Report (refer to paper)**

Peter introduced the paper, inviting Linda Scott (Linda) to speak to key areas of work:

##### **Transition Fund (TF)**

The TF has been a great success in supporting young disabled people (Age 16 to 25) over the last 6 years and ILF Scotland is very proud of how the grants have supported young people. However, the TF remains under extreme pressure as demand continues to increase. To date the team have received 12,000 applications with an increase of 58% during the last year. The success of the fund, particularly in this last year, means ILF Scotland will reach the £5 m limit allocated by the Scottish Government.

The staff team are under extreme pressure to process the applications, although they have recently managed to reduce the processing time from 15 to 16 weeks to 13 to 14 weeks, with a target processing time of 12 weeks.

ILF Scotland are currently working with the Sponsor Team to consider several options to ensure grants are processed timeously and within the £5 m

allocation for 2023 to 2024, and / or to gain authorisation to use unspent TF funds from previous years.

Following discussion, the Board acknowledged the options were challenging and look forward to working with the Executive Team to find a workable solution.

## **2015 Fund**

Robert White (Robert) apprised the Board of the review cycle, sharing that the run rate is currently 60% of the pre-pandemic rate due to external factors. He explained that review visits are more complex and taking longer to unpick issues and offer appropriate support and awards. Robert is optimistic that review visits will catch up in the New Year.

Award Management: Currently approximately 20% of awards are managed by 3<sup>rd</sup> party agencies because there is no family or social work dept. willing or able to act as an Award Manager. Concerns were raised regarding Award Management when the fund re-opens as it is likely a significant number of applicants will lack capacity and 3<sup>rd</sup> party agencies are not registered or inspected or able to act as an employer.

The Board considered the issue explaining it would help if there was reform of Incapacity legislation in place.

**Action 5:** Robert to discuss the issue with Anne Marie Monaghan (Anne Marie) who has great experience of working in this area of social care.

The Board noted the Corporate Report (for information).

## **6. MiCase and PQs (Q2, 01 July – 30 September 2023) (refer to paper)**

The Board noted the MiCase and PQs for Q2 2023 to 2024, which includes the questions submitted by Paul O’Kane, MSP and the Ministerial answers.

## **7. Health and Safety (refer to papers)**

### **Health, Safety and Environmental Policy**

Following the audit recommendations during the Health and Safety Audit in March 2023 (see below) the policy statement presented to the Board now includes the Board roles and responsibilities and will be signed off by both the CEO and Chair.

Audit Recommendation:

“...that the organisation update the Health, Safety and Environmental Policy to document the Board’s role and responsibilities, and that the updated Policy is also signed by the Chair of the Board to demonstrate the Board’s commitment to managing health and safety effectively.”

The Board approved the presented Health, Safety and Environmental Policy to be signed off by the new Chair (or the Vice Chair if the new Chair is not in place by the end of October 2023).

The Board suggested reviewing and updating the Health, Safety and Environmental Policy to offer a more modern, holistic feel to it whilst also including wellbeing, hybrid working etc.

**Action 6:** Aileen to work with the Health and Safety Advisors to make the suggested improvements. This should be presented to the Board during Q2 2024 to 2025 or sooner if possible.

## **7a. Health and Safety Report (Q2, 1 July – 30 September 2023) (refer to paper)**

The Board were assured by the Q2 2023 to 2024 Health and Safety Report

## **7b. Health and Safety – Annual Audit Findings Report**

The Chair invited Aileen to speak to the paper and briefly explain the process for the annual audit carried out by the Health and Safety Advisors, Navigator.

The Board noted the outstanding Health and Safety – Annual Audit Findings Report.

## **8. AOB**

### **Advisory Group Engagement**

On behalf of the Advisory Group Scotland, Linda will formally invite the new Chair to the next Advisory Group meeting on 13 December 2023 which will also include a Christmas Lunch.

On behalf of the Advisory Group Scotland and Stakeholder Group (Northern Ireland) an invitation was extended by Peter to all Board Directors to attend the Joint Advisory Group and Stakeholder Group (Northern Ireland) meeting on 27 March 2024 and / or the Parliamentary Reception on 28 March 2024.

Peter also suggested a member of the Advisory Group Scotland observe the Board in 2024. Liz welcomed any member of either groups and noted that any member of the public could also observe ILF Scotland Board meetings.

**Action 7:** Peter / Linda / Aileen to invite the new Chair (when appointed) to join the Advisory Group Scotland on 13 December 2023.

**Action 8:** Peter/Linda to extend the welcome to join any Board Meeting to both the Stakeholder Group (Northern Ireland and Advisory Group (Scotland))

### **Risk Meeting**

Subject to the new Chair's agreement, the Board agreed to hold the next Risk Management session during the Board Development Session on 25 March 2024 when the new Risk Management software will be in use.

### **Close of Meeting**

1:00 pm

### **Next Board Meeting Dates:**

Next Audit and Risk Committee: 10:30 am, Monday 21 January 2024 (virtual)

Next Full Board Meeting: 11:00 am, Monday 29 January 2024 (virtual)

Next Remuneration Committee 11 am, Monday, 25 March 2024 (Denholm House – 1<sup>st</sup> Floor Board Room)

Next Board Development Day: 1:30 pm, Monday, 25 March 2024 (Denholm House – 1<sup>st</sup> Floor Board Room)

## **Actions**

**Carried Forward Action from Board Meeting - 27 June 2023:** Peter / Robert to create and circulate a committee map for staff who attend National Care Service / SDS / Social Work meetings.

**Action by:** Peter / Robert

**Timescale:** January 2024

**Action:** Agreed to be carried forward – January 2024

**Action Point: Carried Forward Action from Board Meeting - 27 June 2023:**

To review office space in 6 months.

**Action by:** Harvey

**Timescale:** January 2024

**Action:** Review in 2024

**Action 1:** Aileen to include the 'pre submitted questions and comments' as an appendix in all future Board Minutes to ensure these are a formal record of the questions and answers and for reasons of good governance practice.

**Action by:** Aileen

**Timescale:** Immediate

**Action:** Complete

**Action 2:** Aileen McNiven (Aileen) will update the Declaration of Interest register and DoI.

**Action by:** Aileen

**Timescale:** January 2024

**Action:** Complete

**Action 3:** Harvey to ask Digital Directorate to procure reliable meeting connectivity as soon as possible.

**Action by:** Harvey

**Timescale:** Immediate

**Action:** Complete – Harvey has requested Digital Directorate to source reliable wi-fi /AV connectivity.

**Action 4:** Robert White (Robert) to check Assessors make appropriate checks on Modern Slavery guidance where recipients directly employ PAs.

**Action by:** Robert

**Timescale:** January 2024

**Action:** Modern Slavery is highlighted during Induction; ongoing Peer Groups discuss the annual Modern Slavery statement shared annually, the e-learning and as we can only fund care which is from a registered Agency risks are minimised. PAs employed individually who do not go through a payroll company have a degree of additional scrutiny.

**Action 5:** Robert to discuss the issue of award managers and employers with Anne Marie Monaghan (Anne Marie) who has great experience of working in this area of social care.

**Action by:** Robert

**Timescale:** January 2024

**Action:** Award Managership discussed by AMM and RW 9 January 2024 with further follow up tba as part of the co-production exercise.



**Action 6:** Aileen to work with the Health and Safety Advisors to make the suggested improvements. This should be presented to the Board during Q2 2024 to 2025 or sooner if possible.

**Action by:** Aileen

**Timescale:** September 2024

**Action:** In-hand: work started October 2023

**Action 7:** Peter / Linda / Aileen to invite the new Chair (when appointed) to join the Advisory Group Scotland meeting on 13 December 2023.

**Action by:** Linda / Aileen

**Timescale:** October 2023

**Action:** Complete – invitation extended

**Action 8:** Peter / Linda to extend the welcome to join any Board Meeting to both the Stakeholder Group (Northern Ireland and Advisory Group (Scotland).

**Action by:** Peter / Linda

**Timescale:** January 2024

**Action:** Complete – invitation extended

## Appendix A: Pre-Submitted Questions and Comments

**Agenda Item:** Modern Slavery Statement 2022 to 2023

**Question:** Mark Adderley Statement still looks robust – were there any changes suggested? I note we aim to publish within 6 months. This one is just over, should we change it to 7 months? Or will Board meeting be earlier next year? Or will we aim to get to an earlier Board?

**Answer:** This year, there were no changes to the statement nor recommended by the Audit and Risk Committee. The plan is to submit the Modern Slavery statement to the June Board meetings in future.

**Agenda Item:** Risk Register Summary

**Question:** Mark Adderley: risks – Good paper – well-presented and clear. Do we need all the IT ones (2OP, 5OP, 10OP, 14OP) – the actions seem similar, and would it help to consolidate?

**Answer:** Agreed, we will rationalise over the next year as we migrate to new technologies but at the moment the complexity of the support arrangements, cyber security, infrastructure and closure of the Scottish Government data centre are all different risks with different mitigations. However, we could look to rationalise to 3 risks around cyber-attack, infrastructure and applications so will review this once we onboard the new risk management system.

**Agenda Item:** Risk and Resilience Update

**Question:** Mark Adderley: helpful update

**Answer:** /

**Agenda Item:** Information Governance Dashboard

**Question:** Mark Adderley: likewise – good to be updating monthly.

**Answer:** /

Approved

**Agenda Item: Efficiency Report**

**Question:** Mark Adderley: I like some of the minor changes – we will need to keep looking for these when we go for the 35-hr working week. When we do that, will we be able to track the efficiencies against the need to support the 35-hr working week, or will they be tracked against the efficiency plan? (Probably badly expressed, but we need efficiencies if we are to alleviate concerns about workload, and not double count)

**Answer:** The 35 Hour working week changes will be monitored through one to ones, staff surveys, mood senses, sickness stats, overtime and productivity. We continually try to consider efficiencies which can support this and those were included in the business case. We are always trying to consider and implement efficiencies to support any additional workloads across the organisation.

As a further suggestion from Paul, the hours saved per year from our processing efficiencies could be presented as a percentage of the new available hours for work (105,000) and used to supplement our narrative on productivity and any cash savings.

**Agenda Item: MiCase and PQs (1 July 2023 – 30 September 2023)**

**Question:** Mark Adderley: MiCase – do we believe (and did we provide) the £32 m figure? Does this suggest that after year three years (9/20/32) we are fully open and have no unmet need? I thought we had always been careful about putting a number on this hard to quantify figure.

**Answer:** The £32 referenced here is lifted from the Independent Review of Adult Social Care. It was the figure it quoted as an estimate for re-opening. The only other figure ILF Scotland will use is the £9 m stated in the Programme for Government.

**Agenda Item:** Health and Safety, Policy Statement (signed by CEO and Chair), Health and Safety Report and Annual Audit Findings Report

**Question:** Mark Adderley: HSE manual – really good to see this here for approval. A really important document that looks comprehensive. I like the clarity that the Board of Directors are responsible.

A few thoughts.

- It feels very old fashioned and ‘legal’ which is important, but we also have a responsibility to create a culture of wellbeing and H&S – this ‘feeling’ doesn’t quite come through – this has been a key push of ours in the last few years.
- Should we add wellbeing into the objectives, nowadays this is often included in the H&S manual (as we do in section 3.2), but if we limit our objectives to the legal ones (page 6 which is as far as many will go) and (p7) – we miss the opportunity to show how important Wellbeing is to us.
- I would suggest we add a bullet point about that to both pages and to 2.2 for supervision.
- 3.2 is an old-fashioned version of welfare (welfare facilities) and makes no mention of home working / hybrid / 35-hour week / other support.

**Answer:** Thank you, and really appreciate the comments. During the next few months, we will review and modernise the language within the manual and include reference / support to wellbeing and other initiatives. This will be re-launched as part of our re-opening plans and plan to share with the Board in Q1 and Q2 2024 to 2025.

Mark Adderley: 7a – noted

Mark Adderley: 7b – absolutely brilliant – well done.