



Minutes

Meeting: Board

Date: 2 October 2015

Time: 10.30 am

Venue: Rooms 3.15/3.16, Musselburgh Office

Present: Paul Edie, Chair
Mike Cairns
Gavin Dayer
Ian Doig
Christine Dunlop
Anne Haddow
Anne Houston
Jim McGoldrick
Linda Pollock
David Wiseman

In Attendance: Karen Reid, Chief Executive
Rami Okasha, Acting Director of Strategic Development
Kevin Mitchell, Acting Director of Inspection
Gordon Weir, Director of Corporate Services
Robert Peat, Executive Adviser to the Board
Kenny McClure, Head of Legal Services
Arvind Salwan, Strategic Communications Manager
Anne Forsyth, Directorate Support Officer

Apologies: Denise Coia, Board Member
Cecil Meiklejohn, Board Member
Alan Baird, Chief Social Work Adviser

Item

Action

The Chair welcomed everyone to the meeting including three observers. The Chair in particular welcomed Gavin Dayer, Board Member who attended his first Board meeting.

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1.0 APOLOGIES FOR ABSENCE

Apologies for absence, as listed above, were noted.

2.0 DECLARATION OF INTEREST

The following declarations of interest were noted:

- Jim McGoldrick, Board Member in respect of holding the position of Convener of the Scottish Social Services Council.
- Paul Edie, Chair in respect of holding the position of SSSC Council Member and Healthcare Improvement Scotland (HIS) Board Member.
- David Wiseman, Board Member in respect of holding the position of Board Member of the Institute for Research and Innovation in Social Services (IRRIS).
- Anne Houston, Board Member in respect of holding the position of Chair of the Chairs of Child Protection Committees.

3.0 MINUTE OF MEETING HELD ON 26 JUNE 2015

The minute of the meeting held on 26 June 2015 was submitted and approved as a correct record.

DSO

4.0 ACTION RECORD OF MEETING HELD ON 26 JUNE 2015

The action record of the meeting held on 26 June 2015 was noted and updated.

DSO

5.0 MATTERS ARISING

There were no matters arising.

6.0 POLICY COMMITTEE PAPERS

6.1 Report form Policy Committee of 25 August 2015 (Draft Minute)

The Chair presented the minute to the Board for consideration and discussion of the recommendations made by the Committee. The following points in particular were noted:

- The presentation from Audit Scotland in respect of health and social care integration and the joint scrutiny work which had arisen from the review of integrated arrangements across Scotland and that a draft procedure was being submitted to the Accounts Commission on 8

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October 2015 which the Care Inspectorate had an opportunity to comment on.

- The update of the proposed Community Justice (Scotland) Bill and its implications for the Care Inspectorate.

The Board:

- Noted the report.

6.2 Policy Committee Annual Report to the Board Report No: B-19-2015

The Chair presented the report which represented a summary of the work of the Policy Committee. The following points in particular were noted:

- That the Committee had developed and undertaken an important role in discussing key policy developments in the sectors which affected the Care Inspectorate.
- That the Committee had found the ability to reflect critically and strategically on emerging issues particularly helpful.
- That the Committee had been a useful forum for Member/Officer interaction.

The Board:

- Was given assurance of the work provided by the Policy Committee.
- Noted the report.

6.3 Care Inspectorate's Focus: Children and Young People (Scotland) Act 2014 Implementation Timeline

The Acting Director of Strategic Development presented the report which updated the Board on the timeline for expected implementation dates in relation to relevant provisions within the Children and Young People (Scotland) Act 2014. The following points were noted:

- That the amount of funded early learning and childcare increased from 475 hours a year to a minimum of 600 hours for three and four year olds, and for two year olds who are, or have been at any time since turning two, looked after or subject to a kinship care order.
- That all young people in residential, foster or kinship care could stay in their care placement until they were 21 years old.
- That care leavers could access aftercare support up to the age of 26 which would result in the Care Inspectorate having a more strategic overview during scrutiny.

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- That Local Authorities must notify Scottish Ministers and the Care Inspectorate of the deaths of care leavers in receipt of 'Aftercare' or 'Continuing Care' about which the Care Inspectorate had been in discussion with Scottish Government.
- That the eligibility for 600 hours of early learning and childcare was further extended to include two year olds who were eligible for free school meals, about which the Care Inspectorate would be giving more consideration to over the following months, the outcomes from which would be published.
- That from April 2016, Local Authorities would be required to refer all children registered for adoption, and all those approved as prospective adoptive parents, to the Scottish Adoption Register.
- That from August 2016, all children and young people from birth to 18 years old would have access to a Named Person.
- That the Care Inspectorate was publishing its Early Learning and Childcare Statistics 2014 report on 8 October 2015.

The Board:

- Noted the content of the report and in the implementation timeline.

6.4 Implications for the Triennial Review Report No: B-18-2015

The Chair invited Judith Tait, Strategic Inspector (Children and Young People) to the table to present the report which advised the Board of the publication of the triennial review. The following points were noted:

- That the key findings evidenced an improvement in the quality of social services between 2011 and 2014 and there were some examples of excellent practice, however there were a number of services and areas where the quality of provision was not sufficiently good.
- That the Care Inspectorate was at the early stages of reflecting on what had been identified, particularly around the areas for improvement, viz:
 - Demonstrating positive outcomes.
 - Strategic leadership.
 - Quality variation/provider type.
 - Assessment of need and risk.
 - Kinship care.
 - Adult care placements.
 - Care of older people.

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- That the Care Inspectorate was in dialogue with stakeholders, notably, the SSSC, Scottish Care and COSLA for pieces of joint work to reflect and analyse the outcomes.

The Board:

- Thanked Ms Tait for her presentation.
- Agreed that a report would be submitted to the Policy Committee in relation of the implications for the Care Inspectorate and how it could best use the data, particularly for Service Users and the Carers.
- Noted the report and considered the implications for the Care Inspectorate.

ADoSD

7.0 RESOURCES COMMITTEE PAPERS

7.1 Report from Resources Committee of 18 September 2015 (Draft Minute)

The Convener of the Resources Committee presented the minute to the Board for consideration and discussion of the recommendations made by the Committee. The following points in particular were noted:

- That the Committee had considered a number of policies and had noted the good working with the Partnership Forum and that there had been account taken from these consultations.
- That the Convener had joined a member/officer working group to review progress and options for developing future budgets.
- That the Committee had received an excellent report in respect of the Joint Care Inspectorate and SSSC Disaster Recovery and Business Continuity Preparedness.

The Board:

- Noted the report.

7.2 2015/16 Budget Monitoring

The Director of Corporate Services presented the report which advised on the projected financial position of the year to 31 March 2016 (based on the July 2015 ledger). The following points in particular were noted:

- That there was a projected net expenditure variance for the Care Inspectorate of a £19k underspend.

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- That there was, given the balance of risk, Executive Team members liaising and discussing with budget managers areas of any financial uncertainties and to develop Alternative Expenditures Proposals for consideration as appropriate.

The Board:

- Noted the report.

7.3 Health and Safety Progress Update

The Director of Corporate Services presented the report which advised members of the progress achieved against the Health and Safety action plan and arrangements. The following points in particular were noted:

- That the report was positive and there was work being carried out jointly with the Partnership Forum in respect of an Action Plan.
- That the system of incident reporting was the remit of the Health and Safety Committee and summarised in the Annual Health and Safety Report to the Board.
- That the Director of Corporate Services was the lead, supporting the Chief Executive for all Health and Safety issues and that there would be training taking place during the first half of 2016 for all senior staff and Board members.

The Board:

- Noted the report.

8.0 AUDIT COMMITTEE PAPERS

8.1 Report from Audit Committee of 28 August 2015 (Approved Minute)

Ian Doig, Board Member (and Acting Convener of Committee) presented the minute to the Board for consideration and discussion of the recommendations made by the Committee. The following point was noted:

- That the Committee considered the first draft of the Annual Report and Accounts 2014/15 and full discussion in particular to the Financial Accounts had provided assurance.

The Board:

- Noted the report.

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8.2 Report from Audit Committee of 18 September 2015 (Draft Minute)

The Convener of the Audit Committee presented the minute to the Board for consideration and discussion of the recommendations made by the Committee. The following points in particular were noted:

- That the internal auditor's review of Complaints Handling would be forwarded to the Complaints Committee following the Audit Committee's November 2015 meeting.
- That there had been an unqualified auditor's report submitted to the Board.
- That Audit Scotland was content with all the management responses to the key audit risks.
- That the Panel for the joint Internal Audit Procurement with the SSSC had been confirmed.

DSO

The Board:

- Noted the report.

8.3 Draft Annual Report and Accounts 2014/15

The Board:

- Agreed the Draft Annual Report and Accounts 2014/15 (item 8.5).

8.4 Combined ISA260 Report to those Charged with Governance and Annual Report on the Audit

The Director of Corporate Services presented Audit Scotland's positive Annual Audit Report 2014/15 which included an unqualified report. The Board's attention in particular was drawn to the key messages in relation to:

- Audit of financial statements.
- Financial management and sustainability.
- Governance and transparency.

The Board:

- Noted the reports.

8.5 Audit Committee Annual Report to the Board Report No: B-20-2015

The Convener of the Audit Committee presented the report which summarised the work of the Audit Committee, gave its opinion on the assurance that its work provided and recommended that the

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Board approved the Annual Report and Accounts. The following points in particular were noted:

- That the internal audit reports considered throughout 2014/15 had concluded no major weaknesses and that the control procedure that had not been in place at the time of the audit had been overtaken.
- That the Committee was of the view that the standard of internal audit work and the reports produced were satisfactory and that revised protocols had been developed and would be continued to be monitored closely with a view to improving the delivery of the audit programme.

The Board:

- Noted the work of the Audit Committee.
- Noted the Committee's assessment of its performance and the plans to address development areas.
- Agreed that it was appropriate for the Chief Executive to sign the Strategic Report, Directors' Report, Remuneration Report, Statement of Accountable Officer's Responsibilities, Governance Statement and Statement of Financial Position.
- Approved the 2014/15 Annual Report and Accounts.

8.6 Revised Strategic Risk Register

The Director of Corporate Services presented the summary Strategic Risk Register that had been produced following the Board's review of the risk register session held on 26 June 2015. The following points were noted:

- That there had been a reduction of three risks to eight from the 2014/15 register.
- That the final draft stage of the Risk Appetite Statement had been sent to the Audit Committee for comment.
- That the detailed schedules for each risk would be drafted by the Executive Team for initial consideration by the Audit Committee prior to submission to Board.

DoCS

The Board:

- Noted the update, progress and summary risk register.

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9.0 COMPLAINTS COMMITTEE PAPERS

9.1 Report from Complaints Committee of 15 September 2015 (Draft Minute)

Mike Cairns, Board Member (and Acting Convener of Committee) presented the minute to the Board for consideration and discussion of the recommendations made by the Committee. The following points in particular were noted:

- That in 2014/15 there had been a large increase in complaints received compared to each of the previous three years and that there had been a decrease in Quarter 1 of 2015/16 compared to the same period the previous year. This may have been due to the media campaign held in 2014/15 but the Acting Director of Strategic Development was monitoring the volume of complaints received.
- That 98% of complaints about care services had been acknowledged within three working days.
- That the update on a complaint made to the Scottish Public Services Ombudsman (SPSO) in October 2014 was welcomed and that the Care Inspectorate was continuing to discuss the issue with the SPSO.

The Board:

- Noted the report.

9.2 Complaints Committee Annual Report to the Board Report No: B-21-2015

The Convener of the Complaints Committee presented the report which represented a summary of the work of the Complaints Committee. The following points in particular were noted:

- That the Convener thanked officers, staff and fellow Committee members for their advice and support over 2014/15.
- That the Committee would be monitoring the increase/decrease in number of complaints received closely as 2015/16 progressed.
- That with the number of staff vacancies over 2014/15, the Committee had commended staff for their hard work over the year.

The Board:

- Was given assurance of the work provided by the Complaints Committee.
- Noted the report.

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**10.0 MONITORING OUR PERFORMANCE 2015/16
REPORT NO: B-22-2015**

The Acting Director of Strategic Development presented the Quarter 1 (Q1) 2015/16 summary report on performance, and The following points were noted:

- That in line with the Care Inspectorate’s Performance Measurement System 2015/16, the report had taken on a slightly different structure, including some new performance measures and incorporated some case studies of its improvement work. There was a prototype of a new style report tabled which would be further developed should the Executive Team, based on Board feedback, move to the new format.
- That there had been 1,231 inspections carried out during Q1 with an additional recorded time spent on improvement work of 2,571.5 hours.
- That there had been an introduction of a series of significant methodology changes made in Q1, however it was too early to report on the impact. This would be evidenced later in 2015/16.
- That the Care Inspectorate had begun to receive notification of Initial Case Reviews and Significant Case Reviews (SCRs) as required by Scottish Government’s new SCR Guidance.
- That there had been a review of progress in Dumfries and Galloway following the Care Inspectorate’s original joint inspection of services for children which had been conducted in 2013/14. The report commended the commitment of, and approach taken by, chief officers to address priority concerns and noted encouraging progress in strengthening a number of key processes.
- That there had been a progress review in Clackmannanshire and Stirling following inspections during 2014/15 and had been published.
- That during the period March – June 2015, the Care Inspectorate had conducted the fieldwork in all nine Community Justice Partnership areas to inform the thematic review of Multi-Agency Public Protection Arrangements.
- That 90% of statutory inspections had been completed which was lower than the 615 completed in Q1 of 2014/15.
- That 71% of statutory inspections had been completed by the last possible date of inspection. This was slightly lower than the 74% completed before the last possible date in Q1 of 2014/15.

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- That 69% of the total planned number of inspection for the year to date had been completed. This was lower than the 74% completed in Q1 of 2014/15.
- That in relation to non-technical, non-Protection of Vulnerable Groups (PVG) related enforcement notices issued up to 30 June 2015 the figures were:
 - 2 enforcements in 2 support services.
 - 2 improvement notices in 2 day of children.
 - 9 enforcements in 5 children's services (one emergency cancelled and one emergency condition).
- That the Care Inspectorate had worked with HIS and Scottish Government to commence the development of new National Care Standards which would apply across social care and health services.
- That the Care Inspectorate refreshed its approach to recruiting, training and deploying Associate Assessors which has resulting in more efficient and better supports deployed in the right parts of the inspection.
- That 99% of the services that started the year with all themes graded as good (4) or better had either maintained or improved upon these good grades by 30 June 2015. This was a slight improvement on the 98% of services in Q1 of 2014/15.
- That only 12% of all graded services at 30 June 2015 had any quality themes graded as unsatisfactory, weak or adequate (1, 2 or 3). This was slightly better than Q1 of 2014/15, where 13% of services had themes graded less than good (4).
- That the Partnership Forum had met in June 2015 and positively endorsed the Chief Executive's principles and approach for future partnership working.
- That there had been 31 publications and reports produced and published in Q1.
- That the National Enquiry Line (NEL) had received 6,023 calls in Q1. This was similar to the 6,033 calls received in Q1 of 2014/15.
- That 82% of the calls answered by the NEL were answered at the first point of contact and 18% (1,096 calls) were transferred to duty inspectors.
- That 71% of draft care service inspection report were issued within 20 working days and 95% of final inspection reports issued in Q1 were published within 13 weeks of the inspection feedback date.
- The 75% of draft reports and 96% of final reports were within timescales.
- That the Care Inspectorate analysed Care Standards Questionnaires (CSQs) from 2,802 services in Q1. In 94% of care services, 90% or more respondent were satisfied or very satisfied with the overall quality of the service.

- That the Inspection Satisfaction Questionnaires received were sampled, however these questionnaires needed to be redesigned and work was underway with Scottish Care and the Coalition of Care and support Providers in Scotland (CCPS) to improve the questions, including the people who use services, and that the Care Inspectorate's Inspection Volunteers would be of help with this.
- That the relationship between providers and inspectors was important and targeted questioning with the Annual Returns was being implemented.
- That 18 complaints about the Care Inspectorate were received in Q1 and as at 30 June 2015, five remained in progress and 13 had been withdrawn.
- That the Care Inspectorate had received 1,054 complaints in Q1, a decrease of 14% compared to the 1,203 received in Q1 of 2014/15.
- That 26% of the complaints that were withdrawn before formal registration were resolved by frontline resolution. This is a new Key Performance Indicator (KPI) and 2015/16 was a baseline year.
- That 75% of complaint investigations were completed within 40 days which was lower than the 95% completed in Q1 of 2014/15.
- That 85% of registrations were completed within timescales in Q1. This met the Care Inspectorate's target of 85% and was higher than Q1 of 2014/15.

The Board:

- Questioned the continuing difficulty in respect of time spent in Q1 carrying out reporting writing for inspections that had been completed in 2014/15 and noted that recommendations would be made to the Audit Committee in regard to the improvement plan together with KPIs and Quality Indicators (QIs) and that the Executive Team accepted that additional factors needed to be taken into account. **ADoSD**
- Noted that there would be discussion at the Board Strategic Event on 30 October 2015 around an Executive-type Summary of the key messages from the performance reporting and that there would be additional information around this in future Chief Executive's Reports. **ADoSD**
- Requested a breakdown of the detail in respect of the decrease of inspections carried out that included an Inspection Volunteer.
- Questioned and requested further information in respect of underperformance in the inspection KPIs, whilst noting that recruitment, particularly in the North of Scotland had been difficult and that there was a total of 4 FTE inspector **ADoSD**

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posts still to be filled. A more accurate representation of the whole of Scotland would also be provided for members.

- Agreed to supply comments on the tabled new style report.
- Noted the performance against the KPIs, Monitoring Measures and Quality Indicators for the Care Inspectorate.

Board
Members

11.0 HEALTHCARE IMPROVEMENT SCOTLAND QUALITY OF CARE CONSULTATION

The Acting Director of Strategic Development presented the Care Inspectorate's response to HIS' consultation paper, 'Building a comprehensive approach to reviewing the quality of care: supporting the delivery of sustainable high quality services. The following points in particular were noted:

- That the Care Inspectorate had been involved in the design panel which had identified how both organisations could work together to sharpen and add value to the work by integrating areas of work to improve services.
- That in order to better support the applicability of integration and joint work, the Care Inspectorate was strongly recommending aligning or cross-referencing the seven domains to the National Health and Well-being Outcomes and to the emerging National Care Standards overarching principles.
- That there was an integral link between culture and the leadership, workforce and quality improvement domains.
- That the Care Inspectorate envisaged in future that, at the macro and meso level it would continue to work closely with HIS to design scrutiny and improvement interventions.
- That it was not clear whether the proposals set out in the consultation document supported the further integration of health and social care, but that the Care Inspectorate believed that the proposals could better support the scrutiny of integrated health and social care provision.
- That the Care Inspectorate recommended that consideration was given to the view of workforce regulators, including those responsible for medical, nursing, health, social care and social care inspection professionals.

The Board:

- After full discussion, noted the response.

12.0 JOINT THEMATIC REVIEW OF MULTI-AGENCY PUBLIC

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PROTECTION ARRANGEMENTS (MAPPA) IN SCOTLAND

The Acting Director of Inspection gave a full update of developments in relation to MAPPA. The following points were noted:

- That the Care Inspectorate and Her Majesty's Inspectorate of Constabulary had given a commitment to work collaboratively with other scrutiny bodies to undertake a proportionate, risk-based and intelligence-led review of the MAPPA in Scotland. The joint review focussed on category 1 sex offenders subject to the statutory notification process.
- The timeline for the review as agreed by the Programme Board was as follows:
 - Design and planning (June – October 2014)
 - Delivery (October 2014 – March 2015)
 - Fieldwork (April 2015 – June 2015)
 - Publication and closure (Autumn 2015)
- That the recommendations were being collated and the final report would be published on 26 November 2015.

The Board:

- Noted the useful update and that it would receive the high level messages in due course.

13.0 CHAIR'S REPORT REPORT NO: B-23-2015

The Chair presented the report which provided the Board with an update on key developments since the update provided to Board on 26 June 2015. The following points in particular were noted:

- That the Chair had completed all office visits, culminating with the Orkney and Shetland offices.
- That the staff conference held on 8 September 2015 had been hugely successful, with engaging and informative external presentations and varied and well attended workshops.

The Board:

- Noted the information contained in the report.

14.0 CHIEF EXECUTIVE'S REPORT REPORT NO: B-24-2015

The Chief Executive presented the report which provided the Board with an update on key developments since the Board meeting on 26 June 2015.

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The following points in particular were noted:

- That a review of the annual returns had been completed with a wide range of stakeholders being consulted and content had been agreed for the December 2015 returns.
- That both the Care Inspectorate's Inspection and Strategic Development Directorates had worked in partnership with various national groups in relation to a number of policy issues.
- That the Inspection Directorate had continued to work closely with Scottish Government officials to consider potential involvement of the Care Inspectorate in future scrutiny and improvement of Community Justice.
- That, in June 2015, at the request of the Regulation and Quality Improvement Authority, two Care Inspectorate Team Managers spent a week in Northern Ireland reviewing the registration and inspection process for childminding and child day care within their five Health and Social Care Trusts.
- That following a baseline survey of Care Inspectorate managers and staff to determine attitudes on innovation, risk and failure, administered by IRISS, two one-day workshops took place in March and April 2015 which was followed-up by a development session by IRISS to the Executive Team and the Senior Management Team in August 2015. IRISS also delivered a presentation/workshop at the staff conference held in September 2015. This has fulfilled the Care Inspectorate's commitment to work collaboratively with partners, including IRISS, to ensure that its staff had the skills and confidence needed to help and support services to be innovative and improve.
- That work was underway to refresh the Memorandum of Understanding (MoU) with Healthcare Improvement Scotland (HIS). The Care Inspectorate has taken an interest in HIS' approach to quality improvement consolidation and will be responding to their consultation into proposed Quality of Care Reviews.
- That the Care Inspectorate has continued to work closely with the SSSC, including in examining the feasibility of career development frameworks for inspectors who are registered by the Council as well as developing new paraprofessional opportunities.
- That a pilot information-sharing protocol with the City of Aberdeen Division of Police Scotland was being extended until 31 December 2015. The pilot was about developing the intelligence picture in relation to serious and organised crime and possible involvement in the care sector.

- That Partnership working remained strong with the Partnership Forum meeting the new Chief Executive in June 2015 and positively endorsed the principles and approach for future partnership working.
- That worked continued on the staff survey action plan and a joint document was released to all staff 'we said we are doing'. This set out a clear visible joint responsibility and commitment from the Executive Team and Partnership Forum to addressing the issues raised by staff and involving them in making some of the necessary changes ahead.
- That the annual Organisational Development report for 2014/15 had been positively received by the Executive Team, Partnership Forum and Resources Committee.
- That the Chief Executive's 'Bright Ideas' venture had received 131 messages which all had been responded to personally by the Chief Executive.
- That between 1 June and 21 August 2015 the Care Inspectorate had responded to nine formal consultations and would be responding to a further five over the next month. The Chief Executive gave thanks to the work carried out by the Policy Team and Expert Groups.
- That external consultants had been commissioned to consider the structure of the Care Inspectorate's Senior Team and would be reporting, by the end of October 2015, with options and options appraisals.
- That there had been two meetings of the short-life review group that had been established in respect of the Reviewing and Refining the Joint Inspections of Services for Adults/Older People project and there were two further meetings scheduled for 23 October and 19 November 2015, following which there should be an update at the December 2015 meeting of the Board to understanding what works well, what needs to change and how the footprint could be reduced.
- That there had been a resolution in respect of a legal issue, resulting in favourable terms for the Care Inspections by way of an appeal by a care services was no longer progressing.

The Board:

- Noted the information contained in the report and that subsequent reports would be specifically focussed around the four key themes and have a more strategic leadership composition.

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15.0 BOARD AND COMMITTEE DATES 2016/17

The Board:

- Approved the 2016/17 Board and Committee dates.

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16.0 WHISTLEBLOWING

The Chair presented the report which advised members of the Cabinet Secretary's requirement for all NHS Scotland Health Boards to introduce a 'whistleblowing' champion. Following discussion:

The Board:

- Agreed that it wished to adopt the NHS-type role of Board level 'whistleblowing' champion to work with the Chief Executive as Accountable Officer to look at whistleblowing issues.
- Agreed that Cecil Meiklejohn was appointed to this role.

Chair

17.0 AOCB

There was no other competent business.

18.0 DATE OF NEXT MEETING

The date of the next meeting was noted as 18 December 2015 at 2.00 pm, Compass House, Dundee.

Signed:

Paul Edie
Chair