

Environment Standards Scotland (ESS) – Board Meeting

Minutes of meeting on 26 February 2021 (Held on MSTeams)

Present

Jim Martin (JM)	Chair
Richard Dixon (RD)	Member
Marie Fallon (MF)	Member
Paul McAleavey (PM)	Member
Annalisa Savaresi (AS)	Member

In attendance

Transition Team:

Neil Langhorn (NL)	Head of Interim Strategy
Jamie McGrandles (JMcG)	Head of Investigations
Rebecca Peppiette (RP)	Head of Secretariat

1	Board closed session
2	Welcome
2.1	No apologies or conflicts of interest were registered. Minutes from 20 January 2021 were approved, with the addition of a line to set out that the Board requested an early discussion on the recruitment strategy.
3	Matters arising
3.1	Standing orders are to be finalised.
4	Mission, Vision, Values, Culture
	MF led a session on Mission, Vision, Values and Culture. This set out the principles of each area of discussion, their importance, and the methodology for next steps. The Board offered reflections and feedback for each section. MF and NL to prepare draft mission, vision and values statement proposals to bring back to the Board at a later date for approval.
5	Transition plan
	RP outlined progress to date on each area of the transition plan. The Board requested the continued development of the stakeholder engagement plan, and recruitment strategy, for further discussion at the March Board meeting. A summary of progress on the UK Withdrawal from the European Union (Continuity)(Scotland) Act 2021 was shared by the Chair, and the Board acknowledged that this would lead to a potential vesting date in Autumn 2021.

	<p>The Board agreed that an Audit and Risk Committee should be established. MF and RD volunteered to join this Committee, and a further co-opted member will be identified. A skills matrix will be developed to support consideration of any future appointments to the Board.</p> <p>In terms of office accommodation, it was agreed that an options appraisal would be carried out through the Scottish Government estates team. The preferred approach was to locate within a SCOTs enabled office, located in the central belt, to benefit from available shared service agreements and good transport links. The Board also agreed to consider options for additional core services at the March meeting.</p> <p>It was agreed that the website www.environmentalstandards.scot would launch on 1 March 2021. Further discussion on communication requirements will be added to the transition plan, including the use of library services.</p>
6	Strategy engagement and communications
	<p>NL presented a paper on the ESS strategy setting out a proposed structure for the document, including sections covering: ESS principles and ways of working; monitoring and evaluation; engagement and communications; investigations; and a framework for formal intervention by ESS. The paper also sought views on the process for developing the interim strategy.</p> <p>The Board approved the broad structure for the strategy, but requested that activity by ESS to assess the effectiveness of environmental legislation was made more prominent. In addition, a focus on learning and knowledge development should be considered, and that procedures for gathering data and monitoring progress should be established. This should work back from the principles of ESS' Scottish Parliament annual reporting approach.</p> <p>The Board agreed that further discussion on stakeholder mapping and priorities for engagement should take place at the next meeting (including identification of those organisations where formal memoranda of understanding may be required), but were encouraged by the initial ideas for how this might be structured.</p> <p>Further discussion on analytical services and data collection will be carried over to a future Board meeting to inform the Monitoring and Evaluation Strategy. Consideration of data sharing agreements and timelines for reporting will also be assessed. The Board agreed that further support should be commissioned for this work and a brief devised. MF, RD and PMcL will provide input to the brief for this work, which will be drafted by NL.</p> <p>It was agreed that an interim strategy should be prepared before vesting and that the process of developing it should be used to support: ongoing stakeholder discussions; public awareness and global positioning. It was agreed that targeted engagement and consultation with different stakeholders on different elements of the strategy should be undertaken. It was suggested that this could be framed as a set of questions to inform the early draft.</p>
7	High level draft investigation plan
	<p>JMcG presented a paper on the ESS investigation plan setting out: the principles of initial assessment; sift procedures; the investigation process; determination; and engagement with the public and other stakeholders.</p>

	<p>The Board agreed the full set of recommendations and action points put forward including: the use of a referral form system; the operation of a prematurity approach (where representations are generally expected to be first made to the public authority concerned); the sift procedure; and the initial assessment of own initiative cases. In addition, the Board approved an outline of the investigation, reporting and communication processes, alongside the creation of service standards.</p> <p>The Board requested that the investigation planning considers delegation principles and the need for flexibility to allow for circumstances that do not fit the standard approach. In addition, a mapping exercise is to be carried out to assess the relevant oversight landscape of public authorities and their powers.</p> <p>It was agreed that ESS is to use a general, principle based assessment framework when considering the cases that should be accepted for investigation. The Board requested that flexibility should also be built into this approach to enable a wider scope of representations to be considered and monitored, both prior to vesting and after ESS receives its powers.</p> <p>In terms of the wider communication of ESS' role and remit, the Board requested the use of investigation case studies, and a flow-chart to describe processes in a clear and transparent manner. It was agreed that the option to commission specialist support to investigate certain cases should be included within the process design, and that an assessment of the type of information currently obtained/held by relevant regulatory bodies should be carried out.</p>
8	Any Other Business
	<p>Future schedule of meetings:</p> <p>Friday 26 March 2021, Friday 30 April 2021, Friday 21 May 2021, Friday 25 June 2021, Friday 30 July 2021, Friday 27 August 2021.</p> <p>To assess COP26 opportunities and invite stakeholder organisations to future Board meetings to share and discuss relevant environmental policy developments.</p>

James Martin
Chair, Environmental Standards Scotland
 Approved 26 March 2021