

**Minutes of Board meeting held on 3 February 2022, 10:00 – 14:00
 (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:	
Brendan Callaghan (BC)	Interim CEO
Neil Langhorn (NL)	Head of Strategy and Analysis
Jamie McGrandles (JMcG)	Head of Investigations
Rebecca Peppiette (RP)	Head of Communications and Corporate Services
James Aldred (JA)	Business Manager (Minutes)

1.	Private session
2.	<p>Welcome and declaration of interests</p> <p>RD's and AS' declarations of interest related to air quality matters, and membership of the steering group that carried out the independent review of the Scottish Government's Cleaner Air for Scotland Strategy, remain current. These were originally listed in the publicly available Board Minutes of May and June 2021.</p> <p>It was noted that RD had initially received a version of the papers with an update on the air quality investigation. This had been corrected and a redacted version of the papers issued in accordance with his declaration of interest.</p>
3.	<p>Minutes and matters arising</p> <p>RP noted that the approach to confidentiality of Board papers had been reviewed and that Board papers would remain confidential as ESS processes become established.</p> <p>The minutes of the previous meeting were approved.</p> <p>On the matters arising, PM noted that he would follow up with NL regarding suggested contacts for exploring good practice relating to KPI development and monitoring.</p>
4.	<p>CEO update</p> <p>BC updated on the planned recruitment timetable, noting that progress was on track, with the Statistician post filled and the Business and Case Support Officer and Policy and Strategy Officer posts at the pre-employment checks stage.</p>

	<p>In addition, the planned Lawyer post would be advertised in March, with ESS' contracted legal support providing cover in the interim. BC undertook to liaise with AS on the content of the job description and advert.</p> <p>On the transition planner, BC noted that the Scottish Government had provided reassurance regarding the addition of ESS to appropriate legislation and court rules. Legislation adding ESS to the necessary whistleblowing schedules was due to be laid in the UK Parliament in May and expected to come into force by July 2022.</p> <p>Regarding court rules, the Scottish Land Court had provided a letter of comfort assuring that if ESS needs to take any action, this would be possible under current provisions. The Court of Session had redrafted its rules to make explicit provision for ESS and the revised rules were due to be considered at its April Board meeting and implemented by the summer if approved. In the short term, the Court had advised that action by ESS could be covered under its existing procedures.</p> <p>On trade union engagement, BC noted that ESS' Framework Document committed it to full adoption of Scottish Government (SG) terms and conditions for staff, and to mirror any changes agreed by SG's main pay bargaining unit. This unit recently agreed a pay award for 2021/22 of a 0.9% increase, to be implemented in February 2022 and backdated to 1/4/21. In line with the approach set out in the ESS Framework document, the Board agreed to analogue the agreements made by the SG Main Bargaining unit and apply the changes to ESS pay scales, as per the SG agreement.</p> <p>BC then introduced a proposed piece of work to take stock of ESS' digital requirements, to look at the most appropriate digital systems and solutions to support the efficient work of the organisation. Discussions were underway with the SG Procurement team on the sourcing strategy for an appropriate provider.</p> <p>The Board noted the importance of sourcing a provider who would build an understanding of the wider needs of the organisation. It was requested that the brief include consideration of: confidentiality of personal data; and cybersecurity requirements. The proposals were approved on this basis.</p> <p>The Chair noted the submission from the Royal Society for the Protection of Birds (RSPB) detailing potential areas for prioritisation by ESS, and requested that a meeting be set up between the Board and RSPB management to discuss.</p>
<p>5.</p>	<p>Strategy and Analysis</p> <p>NL presented the revised proposed structure and priorities for the analytical team, noting that these had been informed by discussion with Board members as requested at the previous meeting. An additional stage of direct support to active investigations had been added to the outline analytical process.</p> <p>The Board requested that horizon scanning skills and responsibilities be considered appropriately during recruitment processes. The proposals were approved on this basis.</p> <p>NL presented initial proposals for consultation on ESS' Strategic Plan, noting that final proposals would be brought back to the next meeting of the Board.</p> <p>In discussion, the Board agreed that the consultation should present a developed Strategy and proposed set of environmental priorities for comment.</p>

	<p>The Board requested that an additional meeting be convened, prior to the March meeting, to discuss the potential content of the consultation version of the Strategic Plan. It was recommended that the March paper include both final consultation proposals and proposals for the content of the Strategic Plan.</p> <p>The Board also noted the importance of reaching members of the public with the consultation, in addition to stakeholders and public authorities. NL confirmed that this was planned and that local networks and community groups would be targeted for engagement.</p>
<p>6.</p>	<p>Investigations and representations</p> <p>JMcG introduced the report on representations and enquiries received since the previous meeting of the Board.</p> <p><i>At this point RD left the meeting in accordance with his declarations of interest.</i></p> <p>The Board received and considered an update on the progress of the investigation of air quality issues in Scotland, noting recent development across the UK, including the approval of the Edinburgh Low Emissions Zone, and an impending consultation by the European Union on a reviewed Ambient Air Quality Directive. This was noted as aligning with the expected progress of the investigation.</p> <p><i>At this point RD rejoined the meeting.</i></p> <p>The Board considered the remainder of the representations and queries, noting that if any were proposed to move to investigation stage, a report would be made to the Board.</p>
<p>7.</p>	<p>Governance</p> <p>The Board reviewed and approved the 22 November 2021 minutes of the Audit and Risk Committee.</p> <p>MF provided an update on the 18 January 2022 meeting of the Committee, noting that an outline work programme for the Committee had been received and would be further developed. Internal Audit were due to submit a work plan for the coming year to the next meeting, and the Committee had reviewed proposals for the recruitment of a co-opted member.</p> <p>The Board reviewed the updated risk register, noting that it had been reviewed and recommended by the Audit and Risk Committee, and approved the updated version.</p> <p>RP introduced the budget, noting planning around the additional contingency available in 2022/23, due to the recruitment schedule. The Board reviewed the report and approved the recommendation that a summarised budget report be brought to each Board meeting, after the Audit and Risk Committee has reviewed the full budget in advance. The Board requested that any projected underspends and options for redeployment of resources be brought to the September 2022 meeting for discussion.</p> <p>The Board reviewed options for the presentation of ESS' first Annual Report to Parliament, noting that this would not include annual accounts, as set out in the ESS accounts direction. Annual accounts would instead be presented in the 2022/23 report for the preceding 18 months.</p>

	<p>The Board noted the range of options presented and the benefit of including: ESS' financial position; progress to date; and priorities going forward. It was agreed that the Audit and Risk Committee be consulted on the report's development, and that an overview of the approach and timings be brought to the next meeting of the Board.</p> <p>RP presented the communications report and draft Strategy. The Board requested:</p> <ul style="list-style-type: none"> • References from “[groups] will be educated on ESS’ role” to “will be informed”; and, • A review of the statement that “what ESS communicates is as important as how the organisation communicates it”, as it was considered that the content of communications was more important than the method. <p>The draft Strategy was approved with these amendments, subject to review during the development of the draft Strategic Plan.</p> <p>NL reported on the information sessions, which were considered to have been well attended. In addition, questions and feedback from these sessions are now informing the development of the Strategic Plan consultation and associated information.</p>
<p>8.</p>	<p>AOB</p> <p>The Board noted the revisions to the proposed meeting dates and requested that an alternative be found to the proposed 18 November date.</p> <p>The Board discussed the potential for future meetings to be held in person, noting that ongoing social distancing requirements might affect potential venues.</p>

James Martin
Chair, Environmental Standards Scotland
25 March 2022