



Social Security Scotland
Tèarainteachd Shòisealta Alba

Social Security Scotland Executive Advisory Body

Terms of Reference

February 2022

Dignity,
fairness,
respect.



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Purpose

Social Security Scotland is an Executive Agency within the Scottish Government. The Agency commenced activity as an Executive Agency of the Scottish Government on 1st Sept 2018. The Agency is responsible for the administration of devolved social security benefits for people in Scotland. The Agency will be responsible for the administration of the following social security benefits for people in Scotland:

- Best Start Grant Pregnancy and Baby Payment;
- Best Start Grant Early Learning Payment;
- Best Start Grant School Age Payment;
- Best Start Foods;
- Carers Allowance Supplement;
- Funeral Support Payment;
- Job Start Payment;
- Young Carer Grant;
- Child Winter Heating Assistance;
- Scottish Child Payment;
- Child Disability Payment;
- Adult Disability Payment;
- Industrial Injuries Disablement Benefit;
- Severe Disablement Allowance;
- Attendance Allowance;
- Disability Living Allowance;
- Personal Independence Payment;
- Winter Fuel payment;
- Cold Weather Payment;
- Healthy Food Vouchers;
- Top-ups of reserved benefits which may be introduced, and
- New benefits which may be introduced.

Social Security Scotland will deliver its functions, including those required of it by Ministers in fulfilment of their statutory duties under the Social Security (Scotland) Act 2018 (“the 2018 Act”), in line with the Scottish Government’s Purpose and Values¹. Further information about the Agency and its governance structures, can be found in the [Agency's Framework Document](#).

The Chief Executive is the Accountable Officer. In this role the Chief Executive is personally accountable to Scottish Ministers for the performance of the Agency, the use of its resources and delivery of its functions.

Responsibilities of the Executive Advisory Body

The Executive Advisory Body will perform a key role in assisting the Agency in the delivery of its functions. It will do so through the provision of strategic advice, scrutiny, and constructive challenge to the Chief Executive and the Senior Leadership team in support of the following activities:

- Help ensure the Agency delivers on its purpose and principles underpinning the delivery of social security in Scotland;
- The establishment, effective management and monitoring of overall systems of control and accountability, including financial performance, resource and operational plans, and key strategic risk assessments. This includes the management of risks and organisational change;
- Support the Chief Executive in his role to determine the organisational structure, staffing and overall composition of Social Security Scotland and effective management of people;
- Review, monitor and evaluate annually the performance of the Agency in meeting its long-term strategic objectives and institutional performance against Key Performance Indicators;

¹ <http://nationalperformance.gov.scot/>



- Act in accordance with legislative and Scottish Government requirements, and escalating significant issues to the Scottish Government, if appropriate, to ensure that proper standards of corporate governance are maintained;
- Support Social Security Scotland in operating in an open, accountable, and responsible way, with the business conducted ethically, and with observance of good practice in relation to equality and diversity;
- Establish and monitor processes to evaluate the performance and effectiveness of the Executive Advisory Body itself.

Membership

The Executive Advisory Body is chaired by the Chief Executive and is advisory in status. It is composed of the Agency's Senior Leadership Team alongside a number of Non-Executive members. The Non-Executive members perform an important role in offering constructive challenge and advice to the Chief Executive on Agency strategy and effective governance.

The membership is as follows:

- David Wallace, Chief Executive;
- Alastair MacPhail, Deputy Director of Strategy, Change, Data and Engagement;
- Janet Richardson, Deputy Director of Client Services Delivery;
- James Wallace, Deputy Director of Finance and Corporate Services;
- Andy McClintock, Chief Digital Officer;
- Paul Knight, Joint Chief Officer and Caldicott Guardian Health and Social Care Operations;
- Laura Brennan-Whitefield, Non-Executive member;
- Chris Creegan, Non-Executive member and chair;
- Elaine Noad, Non-Executive member;
- Russell Frith, Non-Executive member;
- Naghat Ahmed, Non-Executives member;
- Barry Matheson, Non-Executives member.

Meeting frequency and operating arrangements

The Executive Advisory Body will meet every six weeks and additional meetings may be convened where the Chair considers it appropriate for discussion of particular pressing business items. The programme of meetings for the coming year is as follows:

- 20 January 2022 – deep dive
- 8 February 2022
- 22 February 2022 – deep dive
- 29 March 2022
- 29 March 2022 – deep dive
- 10 May 2022
- 28 June 2022
- 28 June 2022 – deep dive
- 23 August 2022
- 15 September – deep dive
- 11 October 2022
- 29 November 2022

A minimum of 10 members of the Body must be present for meetings to be deemed quorate, at least three of whom must be Non-Executive members. In the absence of a quorum, the Chair will have the authority to decide whether to proceed with the business of the meeting or adjourn the meeting. If the meeting proceeds, comments and approval of proposed decisions will be sought via correspondence from absent members as soon as possible after the meeting, with an opportunity to comment before the deadline given. All viewpoints expressed via correspondence will be retained on record. As Accountable Officer, the Chief Executive reserves the right to take decisions as and when required.

The Chief Executive may chair the Executive Advisory Body or nominate another member to take on this role.

The Executive Advisory Body may request the attendance of other individuals to assist in its deliberations. The role of such individuals is to provide information and participate in discussions, either for the whole duration of a meeting or for a particular agenda item.

The Chair should be advised prior to the meeting of any non-attendance of members. Where a member of the Executive Team is unable to attend they may, in exceptional circumstances and with the agreement of the Chief Executive, appoint a delegate to attend in their place. Such delegates should have authority to take forward the relevant business of the meeting.

Members may, in exceptional circumstances, participate in meetings by electronic means, with the agreement of the Chair.

An agenda will be prepared and circulated with the papers 5 working days prior to the meeting. The draft Minutes of the meeting will normally be made available to the Chair within 5 working days of the meeting after which they will be shared with other members.

An action tracker will be maintained to monitor progress on key issues and this will be updated and action points issued to members within a week of each meeting.

The agenda, minutes and meeting paper will be proactively published on the Social Security Scotland corporate website within 12 weeks of the meeting.

Business conducted by the Executive Advisory Body

Regular items for consideration by the Executive Advisory Body at scheduled meetings include:



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| • Invitation by Chair to declare conflicts of interest | Each meeting |
| • Chief Executive Update | Each meeting |
| • Operational Updates from each business area | Each meeting |
| • Finance Report | Each meeting |
| • Corporate Risk Register | Quarterly |
| • Complaints and Appeals Report | Quarterly |
| • Fraud Report | Quarterly |
| • Human Resources Report | Biannually |
| • Performance Report | Quarterly |
| • Audit and Assurance Committee Report | 4 per year |
| • Procurement Report | 1 per year |
| • Annual Report and Accounts | Annually |
| • Strategic, Corporate and Business Plans | Annually ² |
| • Budget Report | Annually |
| • Project Reviews and Updates; ad hoc reports | As relevant |
| • People Survey | Annually January |

Observers

Wherever possible, Executive Advisory Body is fully committed to being open and transparent in the business it conducts. Two colleague observer places are available at each meeting and these are regularly advertised to colleagues across Social Security Scotland. Those who note their wish to attend as observers are taken in waiting list order and offered the next available place. Ahead of the meeting observers will be issued with a copy of the papers, excluding any restricted or confidential material (i.e. reserved business). Inviting observers internally will help

² Although in the early days of the agency these are likely to be taken by the EAB more regularly

the organisation understand the role of the Executive Advisory Body and how decisions are made.

Observers must agree in advance to treat all discussions and decisions taken by the Executive Advisory Body as confidential and not for discussion outside the meeting. Where there are restricted items of business with particular confidential, personal or staffing sensitivities, these will be transacted at the end of the meeting in a closed session. It is anticipated that this provision will rarely be invoked and will be considered on a case by case basis. The copy of the papers provided will be for the meeting only and as such will be gathered by the secretariat at the end of the meeting.

Meetings of the Executive Advisory Body will usually be held in the headquarters of Social Security Scotland in Dundee. If a suitable meeting space is not available on the required date, the Secretariat will source an external venue. This will be confirmed prior to the meeting and details will be shared by the Secretariat.

Reserved Business

The decision to declare items as 'Reserved' will normally be guided by matters such as respect for data protection principles or because highly sensitive information is being shared. The minute of the meeting will record the rationale for treatment as reserved business.

Reporting and escalation

The Executive Advisory Body is authorised by the Accountable Officer to undertake any activity within this Terms of Reference. However, it does not have any executive responsibilities nor is it charged with making or endorsing any decisions, although it may draw attention to strengths and weaknesses in control and make recommendations for how weaknesses should be addressed. The overarching

purpose of the Executive Advisory Body is to advise the Accountable Officer. It is then for the Accountable Officer to take the relevant decisions.

If a member fundamentally disagrees with a decision taken by the Executive Advisory Body, they have the option of recording their disagreement in the minutes. Members will not undermine Executive Advisory Body decisions or distance themselves outside of meetings.

Where a disagreement within the Executive Advisory Body cannot be resolved, or where the Executive Advisory Body has specific concerns about the manner in which the Agency is managed, these concerns will be recorded in the minutes and escalated issues to the Agency's Portfolio Sponsor, the Director of Social Security.

Review

The Terms of Reference will be reviewed annually.

February 2023