



Scottish
Commission
on Social
Security

Scottish Commission on Social Security
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19 January 2021

(redacted)
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Dear (redacted),

REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)

Thank you for your request dated 18 December 2020 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked for:

1. Copies of the organisation's most up-to-date Corporate Risk Register, including the date this was last updated.
2. Copies of any Brexit risk assessment or risk register carried out by the organisation.
3. Copies of the organisation's most up-to-date corporate communications strategy. Please include details of any planned announcements or releases of information, and anticipated dates of these.

You asked for the information to be provided in an electronic format.

Response to your request

SCoSS is able to provide some of the information you requested and where we could not we explain fully the reason for this.

1. **Risk Register.** I enclose a copy of all of the information you requested in the format you requested it in. SCoSS's risk register is within the [Annex](#).

The SCoSS Board agreed a risk register at its board meeting of 13 May 2020. A 'risk register dashboard', which contains any new, changing or high level risks, is presented to the Board on a quarterly basis along with the full risk register. A risk register status report paper, containing this information, was last agreed by the Board on 15 January 2021. The information provided in that paper is what is reproduced in the Annex below. (The paper was agreed by correspondence as there was insufficient time to consider the paper at the board meeting of 9 December 2020.)

The dashboard on the first page of the Annex summarises 'red risks' (risks with a risk score of 375 or above) and any risks where the risk score has changed since the risk register status report was last reviewed. The 'impact' and 'likelihood' risk ratings that produce the 'risk score' range from 5 (lowest) to 25 (highest) in increments of 5.

2. Brexit risk assessment. Section 17(1) of FOISA (information not held) requires SCoSS to notify you if it does not have the information you requested. SCoSS does not have the information you requested on any Brexit risk assessment or risk register carried out by the organisation. SCoSS's risk register does not refer to Brexit as it is unlikely to significantly affect SCoSS's ability to perform its statutory duties under the Social Security (Scotland) Act 2018¹. However, as noted, the Board keeps the risk register under regular review in order that it can respond to any significant developments. Further information on SCoSS and its statutory duties is available in its [interim report](#).

3. Corporate Communications Strategy. As noted, Section 17(1) of FOISA (information not held) requires SCoSS to notify you if it does not have the information you requested. SCoSS does not have the information you requested on the organisation's most up to date corporate communications strategy, details of any planned announcements or releases of information, and anticipated dates of these. SCoSS has not produced a corporate communications strategy detailing planned announcements and anticipated dates, however, the risk register notes the Board's intention to develop a communications strategy. SCoSS publishes a limited number of reports each year (7 in 2020²), primarily on draft regulations produced by the Scottish Government. It is for the Scottish Government to determine when it will submit draft regulations to SCoSS for scrutiny, and SCoSS cannot fully predict when this will happen. SCoSS also occasionally publishes corporate documents relating to its statutory functions when these are agreed by the Board³.

I trust this information is helpful in satisfying your request under the Freedom of Information (Scotland) Act 2002 (FOISA), in particular where we have been able to fully provide the information requested.

Please do not hesitate to contact us if there is any further clarification required on the information we have provided.

Yours sincerely,

¹ [Social Security \(Scotland\) Act 2018 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2018/11/section/17)

² <https://www.gov.scot/collections/scottish-commission-on-social-security-publications/>

³ <https://www.gov.scot/collections/scottish-commission-on-social-security-publications/#corporatedocuments>

(redacted)
(redacted), Scottish Commission on Social Security

Dashboard – any changes since the last meeting are shown in the ‘risk score’ column

Risk No.	Potential Risks	Risk Score	Comment
1.1	SCoSS lacks direction, strategy and forward planning	375 ↓	This has been reduced as SCoSS has published its interim report setting out its vision and values, etc. The Cabinet Secretary’s recent statement in the Scottish Parliament has also provided some clarity on future timelines.
2.1	Lack of capacity to produce a report following a section 22 referral by Scottish Parliament or Scottish Government	375	Unchanged
2.3	Secretariat staff too small or lacks skills required	375	Unchanged
2.5	SG does not timeously provide crucial information for SCoSS to undertake scrutiny functions or establish corporate documents.	500	Unchanged
2.6	Inability to recruit appropriate new member (pressure of workload/timetable if new member not recruited)	375	Unchanged
2.9	Appropriate officials not available to discuss draft regulations at a board meeting	125 ↓	This score is changed (lowered), to reflect that the protocol with Scottish Government has been signed-off.

Risk Assessment Process: 1. Governance						
Having clear governance structures means SCoSS will perform its roles effectively and only be held accountable for matters within its control.			Risk Rating		Risk Score	Movement
Potential Risk			Impact	Likelihood		
1.1	SCoSS lacks direction, strategy and forward planning		25	15	375	↓
1.2	Conflicts of interest for members		20	5	100	-
1.3	Failure to establish website		15	5	75	-
1.4	Failure to produce corporate documents		20	10	200	-
Existing Mitigating Factors						
1.1 The Chair sets SCoSS's direction and strategy taking into account the regulations timetable and SCoSS's statutory duties in the Social Security (S) Act 2018.			1.1 SCoSS has published an interim report.			
1.1 Board considers forward planning in the standing Work plan paper presented at each Board meeting and will draft a Business plan for 2020-21. This can't be progressed at the moment due to Covid and lack of clarity on SG timetables			1.2 Declarations of interest are invited and recorded at each Board meeting. Members have agreed and published the Code of Conduct, including its provisions on conflicts of interest			
1.4 All corporate documents have been completed/ are near completion.			1.3 The website is expected to be established by the end of March 2021.			
Actions/ Controls Required			Action Led by	Timetable		
1.1 Due to COVID-19 the draft regulations timetable has been severely disrupted. Secretariat will monitor any updates and communicate these with Board Members.			Secretariat	Ongoing.		
1.1 Agree and publish Business plan (publication delayed due to COVID-19 uncertainty).			Sharon McIntyre and Secretariat	TBC – await Scottish Government update. Interim plan published.		
1.2; 1.4 Secretariat to continue engaging with Scottish Government officials to ensure that all corporate documents agreed.			Secretariat	Ongoing		

Risk Assessment Process: 2. Operational					
Producing high quality reports will enable SCoSS to influence the Scottish Parliament, Scottish Government and stakeholders, and maintain its credibility.		Risk Rating		Risk Score	Movement
Potential Risk		Impact	Likelihood		
2.1	Lack of capacity to produce a report following a section 22 referral by Scottish Parliament or Scottish Government	25	15	375	-
2.2	Two Members absent at same time for prolonged period	25	10	250	-
2.3	Secretariat staff too small or lacks skills required	25	15	375	-
2.4	SCoSS board too small or lacks the skills required	25	10	250	-
2.5	SG does not provide timeously crucial information for SCoSS to undertake scrutiny functions or establish corporate documents	25	20	500	-
2.6	Inability to recruit appropriate new member (pressure of workload/timetable if new member not recruited)	15	25	375	-
2.7	Excessive Member turnover / loss of members without replacement	25	10	250	-
2.8	Members' contracted days exceeded.	10	10	100	-
2.9	Appropriate officials not available to discuss draft regulations at a board meeting	25	5	125	↓
Existing Mitigating Factors					
2.1 The scrutiny checklist considers, from the outset, the timeline for producing a report whether a s.22 request or standard report.		2.8 Members' days are recorded, monitored and presented as part of the standing Work plan paper at Board meetings. Members can request additional days if required but this would only be agreed under exceptional circumstances.			
2.2 Standing Orders say the Chair's role would be performed by another Member in the event of Chair's absence.		2.1 – 2.8 Standing Orders were created to anticipate certain of these risks. 2.5 and 2.9 are covered by the protocol.			
2.5; 2.9 Agreed protocol with Scottish Government on information sharing.					
Actions/ Controls Required		Action Led by		Timetable	
2.1 Agreements with Scottish Government/ Parliament on s.22 referrals. The timetable may be impacted by COVID-19.		Secretariat and Chair		TBC	

2.3 Regularly review staff complement and skills to determine whether any further recruitment or specific training is required	Lead Secretary	Ongoing. New admin assistant to be recruited asap.
2.4 Annually review members' complement and skills via the appraisals process to determine whether any further recruitment or specific training is required.	Chair	TBC
2.4; 2.6; 2.7 Recruit new member, agree required skills,	Chair, Members and Secretariat	Linked to 'continuous improvement' work
2.5; 2.9 Agree, monitor and evaluate protocol with Scottish Government.	Secretariat and Board	Review protocol in November 2021

Risk Assessment Process: 3. Reputational						
Ensuring that SCoSS clearly demonstrates its value and its independence will preserve its integrity.			Risk Rating		Risk Score	Movement
Potential Risk			Impact	Likelihood		
3.1	Negative media coverage		20	10	200	-
3.2	SCoSS reports criticised by Committee in particular, or by other stakeholders in general.		25	10	250	-
3.3	Perception that body is irrelevant		25	5	125	-
3.4	Reputation sullied by third party or dissatisfied member		20	10	200	-
3.5	SCoSS not perceived to be independent		25	10	250	-
Existing Mitigating Factors						
3.1-3.5 SCoSS has publicised that it is reacting proactively to COVID-19.			3.2; 3.3; 3.5 SCoSS involves stakeholders, including those with lived experience, in relevant work, subject to time and resource constraints.			
3.2 Chair meets Social Security Committee regularly to understand its requirements and expectations of SCoSS, while ensuring our independence.			3.3 Chair meets social security deputy director regularly, and Cabinet Secretary as and when necessary, to raise any issues that may affect SCoSS's performance.			
3.1; 3.2; 3.4; 3.5 SCoSS reports are based on a transparent scrutiny framework, are publicly available, and are shared with stakeholders.			3.5 The scrutiny checklist ensures that Members consider independent sources of information in undertaking scrutiny; SCoSS has its own logo, twitter account and letter/ report templates; Secretariat sit separately from Social Security Directorate.			
3.3 SCoSS communicated with Social Security Scotland and Scottish Government about our potential roles during COVID-19.			3.2 Stakeholder engagement strategy agreed			
Actions/ Controls Required			Action Led by	Timetable		
3.1; 3.2; 3.3; 3.5 Establish and monitor KPIs designed to demonstrate our impact. Links to business plan and annual report			Sharon McIntyre	Will be included in SCoSS's business plan when regulation timetable is clearer.		
3.1; 3.3 Develop a communications strategy as part of stakeholder and business plan.			Sharon McIntyre and Secretariat	TBC		

3.2; 3.3 SCoSS to agree final version of scrutiny framework.	Secretariat and Sally Witcher	2021: members have agreed to provide their views, followed by stakeholder input.
3.1 – 3.3 Consult with stakeholders on Charter role.	Sharon McIntyre	TBC
3.5 Monitor framework document to ensure that the concentration of roles in the social security DD post does not adversely affect independence and perceptions of it.	Secretariat and Sally Witcher	Ongoing
3.2; 3.3; 3.5 SCoSS is considering how to involve those with lived experience in its work.	Sharon McIntyre	January 2021 board meeting

Risk Assessment Process: 4. Financial						
Ensuring SCoSS is appropriately resourced will allow it to function effectively.			Risk Rating		Risk Score	Movement
Potential Risk			Impact	Likelihood		
4.1	Funding reduced		25	5	125	-
4.2	Lack of budgetary control and financial reporting		20	5	100	-
4.3	Budget not sufficient		25	5	125	-
4.4	Fraud or error		25	5	125	-
Existing Mitigating Factors						
4.1; 4.3 The budget for 2020-21 has been agreed. The board receives quarterly financial updates.			4.1; 4.2; 4.3; 4.4 Secretariat meet with Finance and Deputy Director monthly to discuss expenditure. A framework document and finance desk instructions have been agreed.			
4.2 SCoSS is audited by Audit Scotland.			4.4 SG rules around purchasing/ spending are well-established and robust, Secretariat are subject to the Civil Service Code.			
Actions/ Controls Required			Action Led by		Timetable	
4.2 Scottish Government is investigating the appointment of someone to provide audit experience to SCoSS board					TBC	