

Terms of reference

Introduction

The establishment of The Oversight Board came directly from the conclusions of the Independent Care Review.

The Oversight Board exists to assess and report on whether Scotland is keeping the promise. Members bring lived experience and expertise of Scotland's 'care system' to the role.

As a Board, we have responsibility for the task of reporting on Scotland's progress to keep the promise. There are real challenges in how we undertake our reporting task and the information available to assess progress, but our commitment is to be honest about our assessments while maintaining our belief that the task can be achieved. We encourage change to happen by highlighting both what is and is not working, and we aimed to achieve this in our reports.

We developed a set of values and believe strongly in these:

- Committed to realising the vision of the Independent Care Review;
- Determined to support change;
- Brave, with a willingness to hold those with responsibility to account;
- Dynamic and flexible;
- Approachable;
- Compassionate, with a willingness and ability to listen carefully to alternative perspectives; and
- Honest, with very high levels of personal integrity.

Our values inform what we do and how we work.

A Terms of Reference was drafted in late 2020 and published in January 2021, intended to support the recruitment and induction of the first cohort of Oversight Board members and inform the Board Effectiveness Review.

The Terms of Reference in this document are an adaptation of the original. The revision was

carried out in summer 2023 by the Oversight Board in preparation for the reappointment process and recruitment of new members.

It is expected that The Oversight Board Terms of Reference will continue to evolve as change happens. Each further revision will be developed and approved by the membership of The Oversight Board at that time, before being published.

Purpose

1. The Promise Oversight Board exists to assess whether Scotland is keeping the promise and to encourage change to happen by highlighting both what is and is not working.

Main Responsibilities

1. To review progress towards implementing the conclusions of the Independent Care Review.
2. To report on its collective assessment of whether Scotland is on track to #KeepThePromise.
3. In the event of unacceptable progress, to work with The Promise Scotland to determine appropriate accountability responses.

Recruitment and appointments

1. Oversight Board Members are appointed through open advert focused on attracting candidates with lived experience, skills and expertise.
2. The recruitment process is approved and overseen by The Oversight Board.
3. First and second interview panels comprise of members of the Oversight Board.
4. The interviews are intended to identify the candidates with the mix of experience, skills and expertise required for The Oversight Board to fulfill its task at that time.
5. Members are appointed by The Oversight Board for three years, with the option of extension for one or two years at the end of the initial term.
6. The Oversight Board is fully committed to at least 50% of its membership having lived experience of the 'care system', with no requirement or expectation that individuals disclose that information either in public or to other Oversight Board members.

Expectations

1. The Board will meet five times a year.
2. In addition, Board members will be involved in thematic or editorial work groups to support the development of the annual Report. This may include visits, organising speakers and video content. Board members are encouraged to support the recruitment of new members, including interviews.
3. Each Board member will therefore give up to 12 days of their time each year to the work of The Oversight Board (one day per month on average) and will be remunerated for these days.
4. All new Board members will be offered a 'buddy' from existing members to offer informal support and guidance.
5. If Members think they will dedicate more time than the indicative days in any one year, they must raise this as early as possible with the chair/co-chairs and Head of Governance and Operations.
6. Members can arrange with the chair/co-chairs to take a period of time away from The Oversight Board (the chair/co-chairs may seek to include an alternate member at meetings for the time of absence).

Appointments of Chair/Co-chairs

1. The Oversight Board will collectively agree whether to appoint a single chair or co-chairs from within serving Oversight Board Members.
2. If a single chair, the individual must have lived experience of the 'care system'.
3. If co-chairs, at least one must have lived experience of the 'care system'.
4. The recruitment process will commence with expressions of interest. If there are more candidates than positions, Board members will be asked to vote.
5. The chair/co-chairs are expected to give up to 24 days each per year to the work of The Oversight Board (two days per month on average).
6. If the chair/co-chairs think they will dedicate more time than the indicative days in any one year, they must raise this as early as possible with The Promise Scotland's Head of Governance and Operations.

Meetings

1. A meeting quorum shall consist of two-thirds of The Oversight Board.
2. The chair/co-chairs are required to attend all meetings, either in-person or virtually. Board members are required to attend all meetings, either in-person or virtually.
3. Where members are not able to attend a meeting, they must send their apologies in advance to the Head of Governance and Operations. Members should not be absent from more than two consecutive meetings without the prior agreement of the chair/co-chairs.
4. Dates of Board meetings will be set out in advance. Board members should raise any difficulties with meeting dates at the earliest possible time.
5. Senior team members of The Promise Scotland will regularly attend meetings of The Oversight Board.
6. Provision will be made for in-person and online meeting facilities.
7. Chair/co-chairs will support the organisation and facilitation of meetings, and may call on external speakers and facilitation as required.
8. Individual Board members may be asked to organise aspects of meetings, to make best use of their skills and experience or share learning from thematic work groups.
9. Consistent trauma-informed support will be available at all meetings.
10. All Oversight Board members will be able to access individual support from external professionals (contracted by The Promise Scotland) at any time.
11. Childcare is provided at every Oversight Board meeting.
12. Rolling Board Effectiveness Reviews will be carried out to reflect on individual and collective experience and performance, and support evolution of the Board.
13. Board members who are not meeting the values as laid out in this document and/or not attending sufficiently will be asked to leave the Board by the chair/co-chairs.

Discussions outside the meeting

1. All Board members will respect the sensitivity of the work and the need for confidentiality by not sharing papers or details of discussions outwith the meetings.
2. Members are encouraged to consult Promise Scotland staff members and other Board

members on any papers issued in advance of meetings. Members must not discuss Board papers outwith those individuals.

Minutes

1. Minutes of Board meetings will be taken by The Promise Scotland team and approved by The Promise Oversight Board at the subsequent meeting.
2. A version of the approved minutes will be redacted to remove any personal or sensitive information before being published on The Promise Scotland website.

Remuneration

1. The day rate for Oversight Board members is £225 and for the chair/co-chairs £310.
2. Members submit claims for their time and travel expenses to the Executive Assistant and Governance Coordinator.
3. Members are encouraged to submit a claim after each of the Board meetings attended.
4. For visits, and work group activity, members are encouraged to submit a claim as promptly after this possible. This should not exceed 12 claims in a 12-month cycle; please read section 'Expectations' for guidance.

Policies

1. A Safeguarding Policy tailored to the specific role and responsibility of The Oversight Board has been developed, and all members are responsible for ensuring that they have read and understood this.
2. A Whistleblowing Policy tailored to the specific role and responsibility of The Oversight Board has been developed, and all members are responsible for ensuring that they have read and understood this.
3. If a member of The Promise Oversight Board has a complaint about The Promise Scotland, they should raise this with the Head of Governance and Operations or Chief Executive. If they feel unable to do so, or are dissatisfied with the response they receive, they should approach the chair/co-chairs.
4. Members are responsible for ensuring that they have read and understood [The Promise Scotland's Data Protection Policy](#).

Membership of The Oversight Board is not a public appointment but is remunerated as such. The Board is constituted as an advisory committee to The Promise Scotland.