



**BOARD MEETING
MINUTES OF THE MEETING HELD ON
THURSDAY 23 AUGUST 2018, AT 10.30
Y1/8 SPUR, SAUGHTON HOUSE,
EDINBURGH**

- Present: Mr Gerry Bann
Ms Linda Bendle
Ms Glenys Watt, Acting Chair
- In attendance: Mr Bill Fitzpatrick, Director of Operations
Mr Keith Gardner, Head of Improvement **(Item 8)**
Ms Laura Hoskins, Head of Policy **(Items 10&11)**
Ms Karyn McCluskey, Chief Executive
Ms Sarah McCullough, Commissioning Framework Lead **(Item 12)**
Miss Nina Rogers, Head of People **(Item 14)**
Mr Dave Scott, Head of Learning Development and Innovation **(Item 9)**
Mrs Dorothy Smith, Business Manager (minutes)
- Observer: Mr Stephen Harper, Team Leader, Community Justice, SG
- Apologies: Mrs Jean Couper, Chair
Mr Gerry McClay
Sheriff Kathrine Mackie (Advisor to the Board)

1. Welcome and Apologies

1.1 Ms Watt welcomed the Board Members and staff to the meeting. There were apologies from Mrs Jean Couper, Chair, Mr Gerry McClay and Sheriff Kathrine Mackie. Ms Watt welcomed Mr Stephen Harper, SG, who was observing the meeting.

2. Declarations of interest, gifts or hospitality

2.1 There were no declarations.

3. Minute of Board Meeting of 11 July 2018

3.1 The Board approved the minutes of the Board meeting held on 11 July 2018. The minutes were adopted as the version for the Publication Scheme.

4. Matters Arising – Action Tracker

4.1 The Board noted the status of the actions from action tracker. Ms Watt reported on action 1, on the allocation of Board Members days, she had discussed this with Dr Donna Mackinnon, Deputy Director of Community Justice and it was agreed to review the allocation when new Board Members were in place. Ms Watt tabled guidelines for Board Members on remuneration.

5. Chair and Chief Executive Updates

5.1 Ms Watt reported on a recent meeting with Dr Donna MacKinnon, items discussed included; funding for resources for Commissioning, Board Member appraisal. Ms Watt undertook to have informal chat with each Board Member, to be arranged over next couple of months. Ms Watt reported that she had invited Dr MacKinnon to observe a future Board meeting.

5.2 Ms McCluskey reported that she had met with the new Justice Minister Humza Yousaf to discuss the Community Justice agenda. It was a helpful meeting and she had invited Mr Yousaf to attend events with the CJS team, to see community justice projects in operation.

5.3 Ms McCluskey and Ms Watt met with Liam Kerr, MSP, they felt there was a positive view of what we are trying to do and a keen interest in restorative justice. Ms McCluskey and Ms Watt also met with SCTS Board, the Board are very supportive of community justice. It was noted that permission was given to CJS to film in Glasgow Sheriff court and Sheriff Principal will attend the launch of the smart justice campaign.

6. Risk Register update – (CJS/2018/25)

6.1 Mr Fitzpatrick provided the Board with an update on the risk register. There are 2 new risks; Accommodation and GDPR. CJS is currently operating a hotdesk situation due to the increase in its complement and with the possibility of Caledonian training staff being co-located within CJS space is at a premium. Enquiries are ongoing to identify additional office space elsewhere, initial enquires with Atlantic Quay, Glasgow, have not proved fruitful. It was agreed to bring options back to the Board. Mr Fitzpatrick reminded the Board that any request for additional office space will require a business case to be submitted to SG. On the GDPR risk, CJS is compliant but when the organisation grows it will be collecting data etc. and this may have implications under GDPR. It was noted that Ms McCluskey has requested that internal audit look at this as part of the 2018/19 annual plan.

6.2 Ms Bendle asked whether the risks identified around commissioning should be added to the register. The Board noted that many of these risks are operational and are reviewed by the Senior Management Team at its fortnightly meeting. Risks will be escalated to the corporate risk register if required.

6.3 Subject to some formatting amendments the Board noted the updated risk register.

7. Annual Report and Accounts 2017/18 (CJS/2018/26)

7.1 Mr Fitzpatrick informed the meeting that the Audit and Risk Committee had reviewed the draft 2017/18 Annual Report and Accounts and the report had subsequently been sent to external audit and SG sponsor team for comment. The date for laying the report, 30 Sept 2018 had been raised with SG and advice provided was that; the statutory date for laying and publishing accounts audited by the AGS is by 31 December, following the close of the previous financial year, there is an expectation on the part of the Scottish Ministers that accounts will be laid and published as early as possible and so agreement would usually be reached between all parties regarding these dates. A change of date would involve a full review of the Framework document itself, given that there is no urgent need to amend the Framework, SG would be happy to endorse a revision in the laying date to 31 October. The Board agreed that this would help, until such times as the Framework is reviewed. The Board agreed on receiving written confirmation of the adjusted position to extend the laying date to 31 October 2018.

7.2 Since the ARC meeting held on 31 July, the external auditors have asked that the format of the report should meet the Financial Reporting Manual (FReM). Mr Fitzpatrick undertook to re- order some sections of the report and link to the Business plan and to circulate to the Board by 12 September. Mr Bann expressed concern that the external auditors had not raised the formatting issue sooner.

Action: Mr Fitzpatrick to revise the format of the annual report and accounts and circulate to the Board by 12 September. Ms Watt will inform Mr McClay and Sheriff Mackie on the progress of the Annual Report and Accounts. Mrs Smith to circulate the confirmation from SG on the revised laying date of 31 October 2018.

8. Demonstration Project Aberdeen – (CJS/2018/27)

8.1 Mr Gardner provided background to the diversion from prosecution demonstration project in Aberdeen. He also reported on a recent meeting with David Harvie, the Crown Agent, COPFS, on the use of diversion. The Board noted that CJS undertook to support the project in Aberdeen in order to develop a further understanding of both diversion from prosecution at a local and national level, and also the use of improvement methodology to support partnership working. Both these areas reflect priorities for CJS.

8.2 Mr Gardner reported that the current guidelines on diversion were last updated in 1990 and he had undertaken to update these, send to Social Work Scotland to distribute to Criminal Justice Social Work (CJSW).

8.3 After a full discussion on diversion the Board agreed that prioritization was required and what will make an impact long term. Ms Watt requested that a meeting be arranged to discuss this policy and other priorities for the Board with the current budget restraints, once the new members of the Board are appointed.

Action: Mrs Smith to arrange policy and priorities meeting of the Board.

9. Learning and Development update – (CJS/2018/28)

9.1 Mr Scott reported to the Board on the progress made in the delivery of the Learning, Development and Innovation strategy. He reported that the LD&I team is in place with 7 LDI leads and 1 business support officer.

9.2 He reported that the main priority for CJS in terms of learning is the delivery of learning and development to Criminal Justice Social Work (CJSW). The risk for the learning team is the demand from the roll out of Caledonian programme and requests from the third sector. There needs to be a sense of where CJS boundaries are regarding training.

9.3 The priorities for the team to be discussed at a future meeting of the Board (as indicated in section 8 above).

10. Scottish Parliament Remand Report – (CJS/2018/29)

10.1 Ms Hoskins reported on the recent publication of the Scottish Parliament's Justice Committee report on its Inquiry into the use of Remand in Scotland and a proposed CJS response.

10.2 After discussion the Board approved the response subject to some rewording at para 5.

11. Employability Call for Evidence - (CJS/2018/30)

11.1 Ms Hoskins presented a CJS response to the UK Government's call for evidence on supporting ex-offenders on their path to employment. It was noted that the call for evidence was highlighted by Kim McGuigan, CJS modern apprentice and she was keen that CJS provided a response. She provided a case study, based on her own experience, to be included with the evidence response.

11.2 The Board noted that the call for evidence is of relevance to CJS as an employer and as a public body with a corporate plan commitment to ensure the effective reintegration into the community of people who have been convicted.

11.3 The Board thanked Ms McGuigan for providing the case study and approved the response subject to some slight rewording to the response to questions 10, 12, and 13.

12. Strategic Commissioning Framework - (CJS/2018/31)

12.1 Ms McCullough presented her strategic commissioning framework project plan. In noting the plan the Board requested to see the consultation document before it is published, Ms McCullough undertook to keep the Board updated on the consultation.

12.2 The Board thanked Ms McCullough for work in producing the framework and looked forward to hearing about progress.

Action: Ms McCullough to circulate the draft consultation to the Board.

13. Impact Report - (CJS/2018/32)

13.1 Mr Fitzpatrick presented the impact report. The Board noted that this was the first version of the report and suggested some formatting changes. Ms Watt suggested a different title for the report, possibly Report on progress towards Impact, and suggested the report should include a column to show evidence of impact. Mr Fitzpatrick undertook to provide quarterly progress on impact reports to the Board.

Action: Mr Fitzpatrick to undertake formatting changes to the Impact Report and bring to the Board on a quarterly basis.

14. HR Shared Service Review - (CJS/2018/33)

14.1 Miss Rogers presented the paper on the review of the HR Shared Service provided by the SG. The Board after careful consideration requested that CJS should explore externally what was on offer for HR services. The Board felt there was a need to take into account the implications of moving away from the SG and to consider if another public body could provide this service. The Board requested an options paper for the December Board meeting.

Action: Mrs Smith to provide an HR service options paper for Board meeting on 12 December.

15. Business Continuity Plan - (CJS/2018/34)

15.1 Mr Fitzpatrick reported that the Business Continuity Plan (BCP) had been updated following discussion at the ARC meeting on 31 July 2018.

15.2 The Board raised if a Deputy Accountable Officer (DAO) had been identified if Ms McCluskey was unable to carry out these duties. It was agreed to ask SG to have Mr Fitzpatrick appointed as DAO. Also Board members contact details to be added to the BCP.

Action: Mrs Smith to contact SG regarding appointing DAO. Mrs Smith to update the BCP with Board Members contact details and review in 1 year.

16. Counter Fraud Policy - (CJS/2018/35)

16.1 The Board approved the Counter Fraud policy.

17. Audit and Risk Committee meeting minute 31 July 2018 - (CJS/2018/36)

17.1 Mr Bann provide feedback from the ARC meeting held on 31 July 2018 and presented the minute to the Board. The Annual Report and Accounts were assured by external audit. Internal audit awarded a satisfactory marking for the audit on Governance and Performance in 2017/18. There was a private meeting with external audit and the Committee fed back to Mr Fitzpatrick and Ms McCluskey.

18. AOB

Board member recruitment

18.1 Ms Bendle reported that the interviews for Board Member recruitment were nearing completion and recommendations will be submitted to the minister by 18 September, with a view to having the new Board Members in place for the October Board meeting.

18.2 It was noted that the HRRC is due to meet on 19 September and will discuss Board Member induction.

Next meeting Wednesday 26 September 2018

27 August 2018