



**BOARD MEETING  
MINUTES OF THE MEETING HELD ON  
WEDNESDAY 31 OCTOBER 2018, AT 10.30  
Y1/8 SPUR, SAUGHTON HOUSE,  
EDINBURGH**

- Present: Mr Gerry Bann  
Ms Linda Bendle  
Mr Adam Burley  
Mr Steve Kirkwood  
Sheriff Kathrine Mackie (Advisor to the Board)  
Mr Gerry McClay  
Mr Graham McNeil Bell  
Ms Glenys Watt, Acting Chair
- In attendance: Mr Bill Fitzpatrick, Director of Operations  
Mr Keith Gardner, Head of Improvement (**Item 16**)  
Ms Laura Hoskins, Head of Policy (**Items 9, 10, 11**)  
Ms Karyn McCluskey, Chief Executive  
Miss Kim McGuigan, Modern Apprentice (**Item 8**)  
Miss Nina Rogers, Head of People (**Item 6**)  
Mrs Dorothy Smith, Business Manager (minutes)
- Apologies: Mrs Jean Couper, Chair  
Mr Quentin Fisher, Unit Head, Community Justice, SG  
Mr Alec Spencer

**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 Alec Spencer and Mr Quentin Fisher, SG. The Chair extended a warm welcome to the new Board members and members provided extended introductions and background on their skills and experience.

**2. Declarations of interest, gifts or hospitality**

2.1 There were no declarations.

### **3. Minute of Board Meeting of 26 September 2018**

3.1 The Board approved the minute of the Board meeting held on 26 September 2018. The minute was 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. The Board requested that action 6 be amended to invite David Harvie, Crown Agent, to present to the Board on Diversion from Prosecution. The Board requested that the actions from the Board Committees should also be recorded on the main action tracker.

**Action: Mrs Smith to Invite David Harvie, Crown Agent to a future meeting of the Board. Mrs Smith to amend the action tracker to include actions from Board Committees.**

### **5. Chair and Chief Executive Updates**

5.1 The Chair reported that she had met all the new members individually and brought them up to speed on the work of the Board and CJS priorities. She went on to say that she was due to meet with Neil Rennick, Director for Justice, but the meeting was postponed and she would be meeting with him on 1 November and would report back to the Board following the meeting.

5.2 Karyn McCluskey reported on the draft section 22 Auditor General report that had been received from the external auditor. The Board expressed concern that it had not seen the draft S22 prior to the Board meeting and would have wished to have made comment sooner. Ms Watt reported that she had been in email correspondence with Ms McCluskey and had decided that the S22 draft should not be circulated but tabled at today's meeting.

5.3 The Board expressed concern that after Internal Audit provided a Reasonable assurance opinion and External Audit provided an unqualified audit opinion with regard to the annual report and accounts for 2017/18 the issue of governance and financial expertise was being raised at this late stage.

5.4 The Board noted that Neil Rennick has asked to meet with the Auditor General and has met with external audit on this matter.

5.5 Ms McCluskey reported that the Scottish Prison Service Conference had been cancelled.

5.6 Ms McCluskey expressed concern that early indications are that the Budget for 2019/20 will not increase and that there may in fact be some cuts.

5.7 Ms McCluskey informed the Board that she has been asked by the Scotsman newspaper to write a 2 weekly column from 12 November, on the back of the smart justice launch.

5.8 The events around Scotland involving Greg Berman, Director for Centre for Court Innovation, were well received with positive feedback.

5.9 The launch of the 'second chancers' campaign on 11 October was well attended with many of the audience with lived experience. Mr Bann suggested exploring with the Law Society Journal to promote the campaign by way of an article.

5.10 Mr Fitzpatrick updated the Board on the plastics project, he reported that CJSW will seek a meeting with COSLA as there will be a cost to recycle the waste collected and there was a requirement for a policy decision before the project can move to the planning stage. It is hoped that the project will commence in spring/summer 2019. An update will be provide in February 2019.

**Action: Mr Fitzpatrick to update the Board in February 2019 on the plastics project.**

## **6. CJS Values– (CJS/2018/45)**

6.1 Miss Rogers provided the Board with background to the current CJS values. She reported that the CJS team has grown considerably since the values were developed and a review had begun. A workshop had taken place and the values updated to represent the shared common view. An updated 'Values in Action' document is expected in early 2019. Ms Watt proposed that the values should be discussed by the Board at its additional non-formal meeting in the early new year so that members have an opportunity to input to the final agreed values.

6.2 Ms Bendle in noting the CJS values wished to highlight that the Board member recruitment differs from CJS recruitment as it is run by the SG Public Appointments Team. She suggested that a statement should be put on the CJS website to highlight the difference in the recruitment process for Board members and the wider CJS team. Ms Rogers reported that she is engaging with other organisations to undertake values based recruitment and recruiting people with convictions.

**Action: Arrange for a statement to be added to the CJS website that Board member recruitment is undertaken by SG Public Appointments Team. Add discussion on the values to the agenda for the non-formal Board meeting in the new year.**

## **7. Risk Register (CJS/2018/46)**

7.1 Mr Fitzpatrick provided the Board with an update on the risk register. He went on to say that a number of changes to the risk register will be proposed for consideration at the next meeting of the Audit and Risk Committee that will take place on 8 November. A further report will be presented to the Board at its meeting in December.

## **8. Modern Apprentice report on Disclosure Scotland process– (CJS/2018/47)**

8.1 Miss McGuigan, Modern Apprentice, presented her paper to the Board. She has tested the Disclosure process for the removal of convictions for individuals and proposed a recommendation that the Board approve the document for publication on the CJS website and to agree that it be shared with Disclosure Scotland.

8.2 The Board noted that the present system is very complicated and that improvements are required.

8.3 The Board approved the recommendations and requested that the cost for removal of convictions be added to the list of recommendations. It was agreed that the report should be forwarded to Disclosure Scotland. Miss McGuigan undertook to liaise with Mr McClay and Ms Rodgers Head of Communications on the final report and publishing it on the CJS website. The Board thanked Miss McGuigan for her work on the report.

**Action: Miss McGuigan to arrange for the Disclosure paper to be published on the CJS website.**

## **9. Alternative Disputes Resolution – (CJS/2018/48)**

9.1 Ms Hoskins advised the Board on the publication by the Scottish Parliament's Justice Committee on Alternative Dispute Resolution. The Board noted the publication.

## **10. Review of Offences Consultation– (CJS/2018/49)**

10.1 Ms Hoskins presented the paper on the consultation on the review of section 12 on the Children and Young Persons (Scotland) act 1937 and section 42 of the Sexual Offences (Scotland) Act 2009.

10.2 The Board agreed the draft response to the consultation that noted potential concerns while affirming the CJS interest in supporting work to develop guidance and best practice to ensure appropriate implementation.

## **11. SG Justice Vision progress report - (CJS/2018/50)**

11.1 Ms Hoskins advised the Board of the publication by the SG of the progress report on the implementation of the Justice Vision in the past year which also highlighted new actions proposed for the coming year.

11.2 The Board noted the key priorities for justice organisations and partners across Scotland. Ms Hoskins undertook to keep the Board updated on the delivery of the Justice Vision and priorities.

## **12. Exception Report on Corporate Plan (CJS/2018/51)**

12.1 Mr Fitzpatrick reported on the 6 monthly performance report on the Corporate Plan. The Board noted that the current delivery of the Corporate Plan is on track and noted the exceptions.

### **13. Business Plan quarterly - (CJS/2018/52)**

13.1 Mr Fitzpatrick reported on the quarterly performance report on the Business Plan. The Board noted the current delivery on the Business Plan that was on track and the exceptions were noted.

### **14. Financial quarterly report - (CJS/2018/53)**

14.1 Mr Fitzpatrick updated the Board on the financial position for 2018/19, CJS is currently running with an underspend. Some research bids are being considered and engagement activity is increasing with the launch of the smart justice campaign.

### **15. Commissioning update - (CJS/2018/54)**

15.1 Mr Fitzpatrick updated the Board on the progress and delivery of the Strategic Commissioning Framework. The Board noted the progress and that delivery was on track for April 2019.

### **16. Reflection session – Emerging themes from the CJOIPS**

16.1 Mr Keith Gardner joined the meeting and provided the Board with initial themes emerging from the CJOIPS.

16.2 The Board noted that governance in the partnerships varied and the key challenges for the CJsPs are; domestic abuse, addictions, mental health.

### **17 Minute of the HRRC meeting held on 19 September 2018- (CJS/2018/55)**

17.1 The Board noted the minute of the HRRC meeting held on 19 September 2018. Ms Watt confirmed this the Board member mentors had been allocated as follows:

Ms Watt – Mr Spencer  
Ms Bendle – Mr Kirkwood  
Mr McClay – Mr Burley  
Mr Bann – Mr McNeil Bell

### **18. AOB**

18.1 Mrs Smith covered the practical arrangements for the new Board members which included:

- Security clearance
- Allocation of IPADS and Diligent set up
- Fee claims and guidance

**Next meeting Wednesday 12 December 2018**

**5 November 2018**