



**BOARD MEETING  
MINUTES OF THE MEETING HELD ON  
WEDNESDAY 12 DECEMBER 2018, AT 10.30  
R1 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  
Mr Alec Spencer  
Ms Glenys Watt, Acting Chair

In attendance: Mr Bill Fitzpatrick, Director of Operations (**Items 1-8**)  
Mr Keith Gardner, Head of Improvement (**Item 9**)  
Mr Brian Hirst, Policy Officer, Connected Communities, SG (**Item 12**)  
Ms Laura Hoskins, Head of Policy (**Items 12 and 13**)  
Ms Karyn McCluskey, Chief Executive  
Mrs Dorothy Smith, Business Manager (minutes)  
Miss Samantha Whipp, Improvement Lead (**Item 9**)  
Ms Rachael Wilson, Policy Manager, Connected Communities, SG (**Item 12**)

**1. Welcome and Apologies**

1.1 Ms Watt welcomed the Board Members and staff to the meeting. There were no apologies. The Chair extended a warm welcome to Mr Alec Spencer attending his first Board meeting, Board 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 31 October 2018**

3.1 The Board approved the minute of the Board meeting held on 31 October 2018, subject to some minor amendments. 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 the action tracker. The Board requested that the target date for action 3 be amended to January 2019. Mrs Smith reported that under action 4, Mr Harvie, COPFS, had agreed to attend the Board meeting on 6 March 2019.

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

5.1 Ms Watt informed members that Mrs Jean Couper, Chair, had resigned from the Board and the SG had initiated a recruitment process to appoint a new Chair.

5.2 Ms Watt reported that she recently met with Neil Rennick, Director of Justice, SG, to have a regular catch up on CJS and its priorities.

5.3 Ms Watt suggested that with the new members now on Board that a sub-committee be convened to meet 2/3 times per year to look at impact/outcomes at a strategic level. She stated that CJS will have to consider its priorities going forward with a limited budget, and make sure that these priorities achieve the maximum impact. A ToR will be developed, Mr Spencer will Chair the committee and Ms Watt will be a member, members were invited to pass expressions of interest in joining the committee to Mr Spencer. Ms Watt suggested that prior to this Committee being established the Board should meet in February to have a full day to discuss the values review, the priorities going forward, the intended outcomes and targeted impact for each area of work.

5.4 Ms McCluskey reported that the Public Audit Committee had considered the Auditor General's Section 22 report at its meeting on 6 December. The Committee have sought further evidence and called Mr Paul Johnson, DG Education Communities and Justice to attend the Committee meeting on 24 January 2019.

5.5 Ms McCluskey updated the Board on Diversion from prosecution - David Harvie, COPFS, approved changes to the marking system, but it would appear that very few are diverted. The Board noted that Mr Keith Gardner had updated the Diversion from Prosecution guidelines and these were sent to COPFS on 23 October, there has been no response as yet. A meeting has been arranged for 11 January, with key stakeholders, Sheriff Mackie to attend.

#### **Action: Mrs Smith to:**

- **Arrange Board meeting in February to discuss values, prioritisation and impact**

- **Circulate to Board the transcript of the Public Audit Committee meeting of 6 December 2018.**

## **6. Risk Register– (CJS/2018/56)**

6.1 Mr Fitzpatrick updated the Board on the amended corporate risk register. The Board noted the amendments and the inclusion of the new risk on CJS capacity/skills gap.

6.2 The Board agreed that the implications of Brexit would be considered once the vote from the UK government is held. The likely implications for CJS will be commissioning and the procurement process.

**Action: Mr Fitzpatrick to update the risk register following the UK government vote on Brexit.**

## **7. Budget Planning 2019/20 - (CJS/2018/57)**

7.1 Mr Fitzpatrick updated the Board on the current position of the CJS 2018/19 budget and the development of the CJS budget requirement for 2019/20.

7.2 The Board noted that Mr Fitzpatrick had re-profiled the budget for the remainder of the financial year and had submitted to SG and declared a £14k underspend.

7.3 Mr Fitzpatrick reported on the budget planning going forward and the implications of a flat cash funding – the emphasis will be to protect people, contracts and legally bound activity, but cuts will be required on areas that cannot be progressed e.g. engagement strategy.

7.4 The Board noted that the SG budget will be announced today (12 Dec) and CJS will wait to hear what the allocation will be for Justice. Mr Fitzpatrick reported that he had sent the 3 year strategic assessment to SG for consideration.

7.5 The Board expressed concern regarding the budget constraints and felt it should meet with the Justice Minister to share its concerns. It was agreed that Ms Watt would contact the minister requesting a meeting and Mr Spencer would also attend from the Board.

**Action: Ms Watt and Mr Spencer to seek a meeting with Justice Minister.**

## **8. Progress/Impact Report– (CJS/2018/58)**

8.1 Mr Fitzpatrick provided the Board with an update on the Progress Report. The Board noted the report and felt it required sharper focus. Mr Fitzpatrick undertook to review the report following the Business Planning day arranged for 20 December.

**Action: Mr Fitzpatrick undertook to review the Progress Report following the Business Planning day scheduled for 20 December.**

## **9. Community Justice Outcome Activity across Scotland – (CJS/2018/59)**

9.1 Mr Gardner presented the draft community justice outcome activity report. Ms Watt thanked Mr Gardner and Miss Whipp for all the hard work on this report.

9.2 Mr Gardner reported that the 8 week public consultation will begin on Monday 17 December. There will be 4 events around Scotland in January to gather comments on the report.

9.3 The Board agreed that the report was well structured and informative and Mr Gardner undertook to make some minor changes prior to the consultation and provide feedback to the Board following the consultation. The Board noted that an action plan will be developed by the Improvement Team and will come to the Board after the consultation.

**Action: Mr Gardner to make the agreed changes and report back to the Board following the consultation.**

## **10. Strategic Commissioning Framework Update– (CJS/2018/60)**

10.1 Ms McCullough updated the Board on the development and delivery of the Strategic Commissioning Framework. The Board noted the update and next steps; agreement with SG on strategic commissioning in community justice vision and implementation and an updated project plan will be created and shared reflection any change to scope and associated delivery timescales. The Board thanked Ms McCullough for the update and look forward to progress being made with the next steps.

## **11. HR Shared service options paper - (CJS/2018/61)**

11.1 Mrs Smith provided background to the review of the HR shared service provided by SG. Following consideration of the paper and options it was agreed to break away from the SG HR shared service and obtain quotes for an alternative provider.

**Action: Mrs Smith to take forward the sourcing of external provider for HR services.**

## **12. One Scotland: Hate has no home here (CJS/2018/62)**

12.1 Ms Hoskins advised the Board of the publication of a consultation document by the SG in November 2018: One Scotland: Hate has no home here. Ms Hoskins introduced Ms Rachael Wilson and Mr Brian Hirst from SG who are part of the team responsible for the consultation.

12.2 Ms Wilson presented to the Board. There are 22 recommendations from Lord Bracadale's report, and these form the focus of the SG consultation document which is seeking views from stakeholders as to what hate crime law should look like. Ms Watt thanked Ms Wilson and Mr Hirst for attending today. Following discussion the

Board asked Ms Hoskins to draft a response for consideration at the January Board Meeting.

**Action: Ms Hoskins to draft a response for January Board meeting.**

**13. Home detention curfew inspection reports - (CJS/2018/63)**

13.1 Ms Hoskins advised the Board of the publication of the Home Detention Curfew (HDC) inspection reports by HM Inspectorate for Prisons and HM Inspectorate of Constabulary in Scotland and to seek the Board's views on the impact of the recent changes in policy introducing an 'effective presumption to HDC' by SPS for certain offences.

13.2 The Board noted the key features of the HDC reports and whilst this was about category rather than person centered noted the recommendations but agreed was not for the CJS to comment.

**14. Minute of ARC meeting held on 8 November 2018 - (CJS/2018/64)**

14.1 Mr Bann presented the minute of the ARC meeting held on 8 November. Mr Bann provided clarification to paras 5.3, 6.1 and 7.3. The minute was noted by the Board.

14.2 The Board noted the next ARC meeting will be held on 16 January 2019.

**Action: Mrs Smith to reword paras 5.3, 6.1 and 7.3**

**15. AOB**

Meeting of the Board

15.1 The Board agreed to have an additional meeting in February to discuss values, prioritisation and impact. Ms Watt suggested a Wednesday as this seems the best day for Board members' availability.

**Action: Mrs Smith to seek Board members' availability for a meeting on a Wednesday in February.**

**Next meeting Wednesday 23 January 2019**

**13 December 2018**