



**BOARD MEETING  
MINUTES OF THE MEETING HELD ON  
WEDNESDAY 13 NOVEMBER 2019, AT 10.30  
R1 SPUR, SAUGHTON HOUSE,  
EDINBURGH**

- Present:
- Mr Gerry Bann
  - Ms Linda Bendle
  - Mr Adam Burley (**up to item item 7 only**)
  - Mr Steve Kirkwood
  - Sheriff Kathrine Mackie (Advisor to the Board)
  - Mr Lindsay Montgomery, CBE, Chair
  - Mr Gerry McClay
  - Mr Graham McNeil Bell
  - Mr Alec Spencer
  - Ms Glenys Watt
- In attendance:
- Mr Bill Fitzpatrick, Director of Operations
  - Ms Karyn McCluskey, Chief Executive
  - Ms Deborah Mia, Finance Manager (**Item 8 only**)
  - Mrs Dorothy Smith, Business Manager (minutes)
  - Mr Paul Gilmour, Private Secretary to the Lord President (**Presentation only**)
- Presentation:
- Lord Carloway, Lord Justice General, Head of the Scottish Judiciary

The Chair welcomed Lord Carloway to the meeting. Lord Carloway presented to the Board, key points from his presentation included:

- Presumption Against Short-term Sentences
- Sentencing checklist – Sheriffs use of alternatives to custody
- Judicial institute - method of providing judges with education without compromising judicial independence
- Community disposal options
- Patterns of offending

- Pilot scheme – urban court to be selected; to look at every sentence under 12 months, for a given period, and look at what the alternatives to custody might have been; what was the reason for custody, to analyze data on unnecessary imposed sentences.

Following the presentation the Board discussed areas of interest these included:

- DTTOs – these have a time element, support systems end before they need to
- Is there an appetite to move away from short sentences?
- What alternatives to prosecution are available in the community, sheriffs don't know?
- Court social work reports do not always detail what is available on the ground
- 31 returns from LA's on what is available in the community – disappointingly third sector services were not included
- Diversion from prosecution guidance reviewed by CJS and with COPFS for distribution
- CJS Staff are meeting with sheriff Duff, Judicial Institute, to progress alternatives to custody
- Restorative Justice – needs a common narrative across Scotland

The Chair stressed the importance of sheriffs having full and up to date information on relevant alternatives to imprisonments in their area and court social work reports met the Courts's needs in terms of information.

The Chair thanked Lord Carloway and welcomed feedback on the pilot to be undertaken on alternatives to custody.

## **Agenda**

### **1. Welcome and Apologies**

1.1 Lindsay Montgomery welcomed the Board Members and staff to the meeting, there were no apologies.

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

2.1 There were no declarations.

### **3. Minute of Board meeting 21 August 2019**

3.1 The Board minute was agreed subject to slight rewording of para 11.5. 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.

4.2 The Chair suggested that Horizon Scanning be added as a standing item on the agenda.

**Action: Dorothy Smith to add Horizon Scanning to future Board agenda.**

## **5. Chair update**

5.1 The Chair reported that he had been invited to attend a seminar in Brussels which was looking at a pilot project where it was planned to collocate lawyers and social workers to work collaboratively identifying help and support for clients.

5.2 The Chair provided an update on the Board Member appointment round and said that he would be reviewing the Board committees' membership when the new members were appointed.

5.3 The Chair informed the meeting that guidance had been issued by SG on activity in the pre-election period from 6 November to polling day on 12 December. Dorothy Smith to forward guidance to Board members.

**Action: Dorothy Smith to circulate guidance on pre-election activity to Board members.**

## **6. Chief Executive update**

6.1 Karyn McCluskey presented her update to the Board. She reported on:

- CJS was liaising with the team in SG responsible for delivering electronic monitoring in Scotland to discuss how our policy, improvement and training teams will align training, research products and policy around implementation of GPS and RF monitors.
- Caledonian system has been rolled out to a further six local authorities. The take up among sheriffs in the new areas has been immediate and significant. It is now available in 19 local authorities. The funding going forward will be required and a paper will come to the Board in the near future.
- Bail supervision services not well used – take up is low. There is a requirement to look at fiscal policy. Sheriffs can ask for bail supervision assessment. The Chair suggested inviting the Crown Agent to a future Board meeting.
- A new finance manager has been appointed, start date 28 November.
- HR shared service, agenda item 13, requires further consideration, bring to next Board meeting

6.2 Alec Spencer felt it would be helpful to have a list of the meetings and events attended included in the CE update.

**Action: Invite Crown Agent to future Board meeting. HR shared service paper to January 2020 Board meeting. Add meetings/events attended to CE update.**

## **7. Draft Corporate Plan- Engagement Strategy – 3 year Financial Plan – CJS/2019/46**

### Draft Corporate Plan

7.1 Karyn McCluskey presented the draft corporate plan. She reported that Domestic abuse (Caledonian) to be added and that future funding to be raised with SG.

7.2 In discussing the draft plan the Board raised the following points:

- The plan was not clear on what will be achieved by 2023- What does the Act say we should do? What are the national outcomes for Scotland and where does CJS fit in these outcomes.
- A letter to be drafted to send to SG with draft corporate plan setting out the funding requirements to support the plan.
- Leadership outcome – how will we measure that this has improved - OPI framework being reviewed. Some rewording required to the outcomes.
- Need to say what the impact of training from CJS is, we should demonstrate things have improved.
- There should be a joint introduction by the Chair and Chief Executive rather than separate sections.
- The Board suggested some rewording of the outcomes and Linda Bendle felt that lived experience should be included.
- The Board discussed the timeline; 6 week consultation starting in Jan 2020, Revised plan and engagement strategy to SG be end of the year.

### Engagement strategy

7.3 Bill Fitzpatrick presented the engagement strategy and felt the next stage of the corporate plan revision will help to align the engagement strategy and how we will engage with the community. The Board felt there was a need for lived experience to be included, the Board to provide suggested wording and clarity.

### 3 Year Financial Plan

7.4 Karyn McCluskey provided the Board with a budget forecast and financial planning options for the period 2020-23. The Board noted the options and await the results of the spending review.

**Action: Circulate amended plan to the Board for comment and then submit with covering letter to SG for comment prior to consultation.**

## **8. Q2 and half yearly financial report and accounts – CJS/2019/47**

8.1 Deborah Mia presented the financial report to the Board. The Board noted that CJS is on budget and that Ms Mia will undertake an exercise to establish the estimated costs for untaken flexi and annual leave for the end of the leave year (31 January 2020).

8.2 Karyn McCluskey reported that the Caledonian training funding will be transferred from the 'Equally Safe' budget as CJS bearing the cost to date.

8.3 Deborah Mia informed the Board that this would be her last Board meeting, the Chair, on behalf of the Board thanked Ms Mia for all her work over the last 6 months.

## **9. Q2 Performance Report (CJS/2019/48)**

9.1 Bill Fitzpatrick presented the Q2 performance report and informed the Board that the OPI framework has had a lot of the indicators removed in order to produce this year's annual report. The Board noted that as part of the spending review a request for further funding to review the OPI framework had been requested. Karyn McCluskey informed the Board that independent research had been commissioned by CJS on the OPI framework and she would circulate the findings to the Board.

9.2 Bill Fitzpatrick informed the Board that he is meeting with our sponsor team in the near future and would raise funding for the OPI review along with the potential role of CJS commissioning throughcare and mentoring services for people leaving custody.

**Action: Bill Fitzpatrick to raise funding for OPI framework review and commissioning of mentoring service when he meets with sponsor team. Karyn McCluskey to circulate research findings on OPI framework to the Board.**

## **10. Risk register – CJS/2019/49**

10.1 Bill Fitzpatrick provided the Board with a report on the Corporate Risk Register. He reported that the register would be reviewed following the outcome of the CJS spending review submission.

10.2 The Board requested clarity on risk 11 – 'meeting statutory obligations as an employer'. The Board felt that staff wellbeing required to be included in this risk and noted that a staff survey had not been undertaken, after 2 years in operation consideration should be given undertaking a survey and ensuring anonymity.

**Action: Nina Rodgers, Head of People, to commence planning process for staff survey. Bill Fitzpatrick to amend risk register to include staff wellbeing in risk 11.**

## **11. Audit and Risk Committee meeting minute of 10 October 2019 – CJS/2019/50**

11.1 Gerry Bann reported on the ARC meeting on 10 October 2019. In noting the minute of the meeting on 10 October it was agreed that training for staff and the Board on security should be added to the action tracker.

11.2 It was noted that the co-opted member from SLAB was unable to attend the meeting on 10 October but will attend at the next ARC meeting.

11.3 Bill Fitzpatrick reported the next Internal Audit review will look at assurance, a document request has been received and a meeting has been arranged for 18 November to discuss gaps. Bill Fitzpatrick updated the Board on the outstanding action from the Finance and Budgetary controls audit; the TNA is almost complete. The Performance review info has been submitted and that audit has been signed off.

**Action: Security training to be arranged for staff and Board members.**

## **12. Human Resources and Remuneration Committee meeting draft minute of 21 August 2019 – CJS/2019/51**

12.1 Glenys Watt reported on the HRRC meeting held on 21 August. Items that were on hold included; staff survey and organisation structure review. Karyn McCluskey said that this was now the time to look at whether the model is working now that CJS has been in operation for over 2 years.

**Action: Karyn McCluskey to review structure model for CJS**

## **13. HR Service contract award update – CJS/2019/52**

13.1 Karyn McCluskey informed the meeting that this item has been withdrawn from the agenda as further consideration was required a paper will be brought to the next Board meeting.

## **14. AOB**

### Events

14.1 Alec Spencer provided feedback from the recent SASO conference. He suggested that external events should be circulated to staff and Board. This was agreed.

### Board meetings 2020

14.2 The Board agreed dates for 2020 Board meetings. The Board considered the holding of Board meetings around Scotland and felt there would be benefit of an engagement session in the community.

**Action: Dorothy Smith to arrange for external events to be circulated to staff and Board Members. Karyn McCluskey to consider holding Board meetings around Scotland.**

**Next meeting Wednesday 29 January 2020**

**20 November 2019**