



**BOARD MEETING
MINUTES OF THE MEETING HELD ON
WEDNESDAY 29 JANUARY 2020, AT 10.30
R1 SPUR, SAUGHTON HOUSE,
EDINBURGH**

- Present: Mr Gerry Bann
Mr Adam Burley
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: Ms Helen Boath, Head of Finance
Mr Bill Fitzpatrick, Director of Operations
Ms Karyn McCluskey, Chief Executive
Miss Nina Rogers, Head of People **(Items, 14 and 15 only)**
Mr Dave Scott, Head of Learning, Innovation and Development **(Item 9 only)**
Mrs Dorothy Smith, Business Manager (minutes)
Ms Dawn Wheildon, Improvement Lead **(Item 6 only)**
- Apologies: Ms Linda Bendle
Mr Steve Kirkwood

Agenda

1. Welcome and Apologies

1.1 Lindsay Montgomery welcomed the Board Members and staff to the meeting, there were apologies from Linda Bendle and Steve Kirkwood. The Chair welcomed Helen Boath, Head of Finance, to her first Board meeting.

2. Declarations of interest, gifts or hospitality

2.1 There were no declarations.

3. Minute of Board meeting 13 November 2019

3.1 The Board minute was agreed. 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.

5. Chair update

5.1 The Chair reported that he and Karyn McCluskey had met with John Mulholland, President of the Law Society. The President has invited the Chair and the Chief Executive to discuss Community Justice with the Law Society Criminal Law Committee and an invite was extended to John Mullholland to attend the CJS National Event on 11 March 2020.

5.2 The Chair reported that he has also met with Sean Duffy, Wise Group, Sandy Cameron, SACRO. He reported he has had meetings with a number of stakeholders. These have been positive, they like the enthusiasm and training delivered by CJS, but there was some confusion on what our delivery role is.

5.3 The Chair and Chief Executive are due to meet with Neil Rennick and Donna Mackinnon on 3 February to discuss the draft corporate plan and spending review and will report back to the Board.

5.4 The Chair reported that 36 applications had been received for the recent board member recruitment, interviews will be held soon, with 4 candidates being seen for each of the 2 posts.

5.5 The Chair informed the meeting that the Board terms of reference are being reviewed. A draft will be circulated to the Board for consideration. The Chair noted that there was an annual self-assessment undertaken for the ARC and felt this is also required for the Board and HRRC, by way of good governance. He also said Board members training and development should be given higher priority. Members in attendance confirmed that they had undertaken the 'on board' induction training.

5.6 Two members of the Board, who are also ARC members (including its Chair) will shortly be standing down. The Chair has asked Alec Spencer to take over the ARC Chair position. Alec Spencer will Chair the next ARC meeting scheduled for on 19 March 2020.

Action: The updated Board Terms of Reference to be circulated for consideration.

6. Chief Executive update

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

- Visit to Denmark with Sheriff Principal Pyle to meet with senior justice contacts including lawyers, high court judges, and law professors, the visit provided a refreshing outlook on Justice and provided confirmation of our direction of travel with alternatives to prosecution.
- COP 26 - This climate change event occurring 9th November to 19th November will place major stress on the city of Glasgow and our nation as a whole. Police forces and also our justice system will be stretched with thousands of arrests anticipated daily during this time. CJS will provide continued support to the planning committee on how to handle these arrests in the justice system and the backlog that will be anticipated as a result.
- National Event Update - The event will take place on Tuesday 10 March 2020 from 9.30-p.m.in Alloa at Alloa Town Hall, speakers –
 - Lindsay Montgomery, CJS Chair – opening remarks
 - Cabinet Secretary for Justice, Humza Yousaf (morning speaker)
 - Lord Carloway, Lord President, Head of the Scottish Judiciary (morning speaker)
 - David Harvie, Crown Agent (morning speaker)
 - Karyn McCluskey, CJS Chief Executive – closing remarks

6.2 Adam Burley said he was unable to attend the national event and if there was a possibility that the speakers could be recorded. The Chair requested that for next year's event the Board would find it helpful to be involved in the planning process at the early stages.

Corporate Plan 2020/23

6.3 Karyn McCluskey informed the Board that the Corporate Plan was in the process of being finalised. Karyn McCluskey and Lindsay Montgomery would be meeting with SG on 3 February to discuss the draft plan along with the spending review.

Annual Report 2018/19

6.4 Dawn Wheildon, Improvement Lead, joined the meeting and provided background on the 2018/19 Annual Report that is out for consultation, responses due back by 12 Feb 2020.

6.5 The Board noted the progress across Scotland by Community Justice Partnerships (CJPs) towards meeting the national outcomes. There was some discussion about next year's report including the need for this to be available to Scottish Ministers and the Scottish Parliament much earlier, the gaps in the data

reported by Partnerships and the need for CJS to further develop its Monitoring and Reporting Strategy.

6.6 Dawn Wheildon will report back to March Board meeting after consultation responses have been received to discuss CJS position and priorities and with proposals to develop CJS's Monitoring and Reporting Strategy .The Board had some suggestions on the design of the final report to help the reader to navigate, this will be taken on board at printing stage. The Board thanked Dawn Wheildon for all her hard work producing this report.

Action: Dawn Wheildon to produce board paper for March meeting on annual report feedback from consultation and next steps for future Monitoring and Reporting

7. Horizon Scanning

7.1 Board discussed horizon scanning under Chair and Chief Executive Update.

8. Gender Recognition Reform Bill – CJS/2020/01

8.1 Karyn McCluskey informed the Board of a Scottish Government consultation on a proposed Gender Recognition Reform Bill and proposed that CJS responds to the consultation. The Board agreed that CJS should respond. It recognised the sensitivity of the subject matter and the importance of the CJS response being evidence based. The draft response will be circulated to the Board for comment.

Action: Draft CJS response to consultation to be circulated to the Board.

9. Learning, Development and Innovation update (CJS/2020/02)

9.1 Dave Scott informed the Board of the work undertaken by the Learning, Development & Innovation department (LDI) in Q1 – Q3 of 2019/20.

9.2 Previously, the Board highlighted the risk of the heavy workload LDI has. Dave Scott said the LDI team are attempting to mitigate this by running extensive training for trainer's courses in specific learning products but also attempting to encourage more practitioners to use their experience in the learning environment. Also, the development and application of the digital hub will enable LDI to reduce face to face delivery, although there will also be a requirement to manage digital learning content.

9.3 The LDI Strategy outlined the CJS commitment to continuous improvement and to developing an evaluation framework aligned with Education Scotland quality indicators. As part of the development of the Community Justice Outcomes, Performance and Improvement Framework, the Scottish Government commissioned the Care Inspectorate to develop a guide to self-evaluation that could be used by community justice partners to help in their efforts to strive for continuous improvement. This framework aligns with, and synthesises content from, a suite of Education Scotland quality improvement frameworks and a guide to self-evaluation for community justice in Scotland. This alignment helps LDI to plan and evaluate their training delivery within the context in which they operate. The Chair asked that

the outcome of the evaluation of what is achieved through our training activity be reported to the Board.

9.4 Dave Scott reported that the TNA will run to the end of 2021, thereafter, it will be reviewed. The Chair requested that this action be included in the corporate plan to start at end of next financial year. The Board thanked Dave Scott for this helpful update.

10. Q3 Financial Report and Accounts 2019/20 – CJS/2020/03

10.1 The Chair welcomed Helen Boath, Head of Finance to her first Board meeting. She provided the Board with a brief resume of her background and experience to date.

10.2 Helen Boath reported that an exercise had been undertaken to reconcile the 2019/20 figures and she has forecasted a £13k underspend.

10.3 Helen Boath informed the Board that she was currently looking at producing a Standing Orders and Financial Rules document and will bring to the March Board meeting.

10.4 Gerry Bann reported that at the recent ARC meeting the private meeting held with the auditors, they took reassurance that a Head of Finance had been appointed and Graeme Hill, Director of Corporate Service and Finance, SLAB, had been co-opted to the ARC, these appointments bring strength and resilience. Helen Boath informed the meeting that she is drawing up a workplan for the coming months and she will in future report on performance and produce narrative to support the accounts.

10.5 Helen Boath reported that she will be preparing the 2019/20 accounts in April/May and external audit will be undertaking their audit in June 2020.

Action: Helen Boath to produce Standing Orders and Financial Rules document for March Board meeting.

11. Q3 Performance Report – CJS/2020/04

11.1 Bill Fitzpatrick reported on the performance for Q3. In noting the update the Board requested changes to the following listed projects:

(14) – Split this project to: developing a reporting process separately for the CPO and Annual Report

(19) – Change status from red to amber – this is all dependent on SG decision to transferring funding for commissioning throughcare and mentoring services to CJS

(24) – To include Schedule of Delegation to standing orders procedures

11.2 Bill Fitzpatrick confirmed that all projects with status green are on track to be delivered.

12. Risk Register – CJS/2020/05

12.1 Bill Fitzpatrick updated the Board on the Risk Register. It was noted that the format of the risk register was discussed at the recent ARC meeting and it is currently under review.

12.2 In noting the updates to the risk register the Board discussed Risk (1) on review of the OPI framework and agreed that SG own this risk and CJS will work with SG to develop a revised framework. With regards to Risk (8) on reducing prison numbers it was recognised that although this risk was primarily for SG and SPS because CJS is the national organisation with responsibility for community justice and there could be reputational risk if numbers do not come down.

12.3 It was agreed that the revised risk register would be considered by the ARC at its meeting in March.

Action: Revised risk register to March ARC meeting for consideration.

13. CJS Draft Digital Strategy – CJS/2020/06

13.1 Bill Fitzpatrick presented the draft digital strategy. He reported that CJS is keen to develop a digital process map, CJS hub, interactive digital resource to Support Offender with Learning Difficulties (SOLD). He reported that extra funding has been requested for this development. He is leading on this work but may need to buy in expertise.

13.2 The Chair asked how we will prioritize, what is next stage. He suggested that contact be made with Digital Directorate to seek advice and support. The Chair undertook to contact Digital Directorate and liaise with Bill Fitzpatrick.

Action: The Chair to contact Digital Directorate for advice on digital strategy.

14. HR Service contract award update – CJS/2020/07

14.1 Nina Rogers updated the Board on the HR service contract award. She reported that due diligence is under way and she will report back findings to the Board once complete. References have been received for the new provider and have been complimentary, the provider is a fairly new organisation with values similar to CJS. On present plans the transition to take place on 1 April, if any issues arise the start date can be pushed back to May.

Action: Nina Rogers to report back to the Board following due diligence exercise.

15. Human Resources and Remuneration Committee meeting draft minute of 15 January 2020 – CJS/2020/08

15.1 Glenys Watt reported on the HRRC meeting held on 15 January. Items that were discussed included:

- Review of CJS values and those identified by the Board “effective and “understanding” these are being considered by staff in staff survey currently underway.
- HRRC meetings to be arranged for May and November 2020.

15.2 Alec Spencer raised wording in minute of meeting held on 21 August on Board recruitment and to clarify that public appointment process requires to be followed, Nina Rogers undertook to review the wording.

15.3 Lindsay Montgomery asked about statutory requirement around diversity and are obligations being met, he re requested that an annual report be submitted to the Board stating what CJS has done in this area, which would be expected governance of a public body.

Action: Nina Rogers to review wording in minute of 21 August re Board recruitment and to consider CJS’s obligations around diversity.

16. Audit and Risk Committee meeting 22 January 2020 – verbal report

16.1 Gerry Bann reported on the ARC meeting held on 22 January. Actions from the meeting included:

- Action tracker to be produced to track outstanding actions from internal and external audits.
- An early Meeting involving the Chair, the Chair of the Audit Committee and the Accountable Officer to be arranged with internal audit re ongoing relationship.

Action: Dorothy Smith to produce an action tracker for audit actions and arrange an early meeting with internal audit.

Next meeting Wednesday 11 March 2020

30 January 2020