



**BOARD MEETING
MINUTES OF THE MEETING HELD ON
WEDNESDAY 2 SEPTEMBER 2020, AT 10.00
VIA ZOOM VIDEO CONFERENCING**

Present: Ms Pauline Aylesbury
Ms Linda Bendle

Mr Adam Burley
Ms Linda de Caestecker
Mr Steve Kirkwood
Sheriff Kathrine Mackie (Advisor to the Board)
Mr Lindsay Montgomery, CBE, Chair
Mr Graham McNeil Bell
Mr Iain Smith, Defence Lawyer, Keegan Smith Lawyers
(presentation only)
Mr Alec Spencer
Ms Glenys Watt

In attendance: Ms Helen Boath, Head of Finance
Ms Joanne Brown, External Auditor, Grant Thornton,
(Item 8 only)
Mr Bill Fitzpatrick, Director of Operations
Ms Karyn McCluskey, Chief Executive
Mrs Dorothy Smith, Business Manager (minutes)

Presentation: Mr Iain Smith, Defence Lawyer, Keegan Smith Lawyers

The Chair welcomed Iain Smith to the meeting. Iain Smith provided background on the work he does as a Defence lawyer with the knowledge he has of the science of Adverse Childhood Experiences (ACEs) and childhood trauma, he has learned this is the single biggest contributor to offending behaviour.

In West Lothian he head's up an ACEs Hub with colleagues in Health, Education and Justice. A holistic approach is used, as it has been found that by the time people enter the justice system many have missed being intercepted via Education, then Health.

The Chair thanked Iain Smith for presenting at today's meeting. It was felt that consideration should be given to a change in the payment system for defence lawyers to provide greater incentives which would support early engagement and seeking alternatives to prosecution and imprisonment. This should be pursued with SLAB and the SG. It also agreed there needed to be interaction on diversion much earlier, at schools, children hearings, before coming to the court system. The Chair suggested investigating the possibility of having an information session for the Justice Committee about Community Justice and invite Iain Smith to present. This might be valuable early in the new Parliament.

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 1 July 2020

3.1 The Board minute was agreed with one slight amendment to the action at item 7. 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. It was noted that the HRRC actions had been added to the tracker and it was requested that the ARC actions should also be added.

Action: Dorothy Smith to add the ARC actions to the action tracker.

5. Chair update

5.1 The Chair reported that the Corporate Plan is nearing completion. One outstanding item for inclusion is Strategic Commissioning and the Chair informed the Board that it was planned to have a meeting with Neil Rennick, SG Director of Justice to discuss this issue. Karyn McCluskey reported that the recruitment of the commissioning post has been put on hold meantime.

5.2 The Chair is continuing to meet with the Chairs of Partnerships and there was a consensus from the Chairs that more meetings of the Chairs and CJS should take place; 2-3 per year to share experiences and to discuss developments.

5.3 The Chair informed the Board that he had invited the Cabinet Secretary for Justice to the November Board meeting.

5.4 The Chair is keen to get dates in the diary for a training and strategy day Karyn McCluskey, Dorothy Smith and Chair to discuss dates.

5.5 It was noted that the Programme for Government had recently been published, and that it included some mention of Justice issues and reference to community justice.

Action: Meeting to be arranged with SG to discuss commissioning.

6. Chief Executive update

6.1 Karyn McCluskey presented her update to the Board. She also presented the ongoing work on the Criminal Justice Recover, Renew and Transform programme of the Community Justice and prevention of Offending Group. The Board felt there was a lot of information to take in and were concerned that there was not enough time to fully discuss at today's meeting and that there was not an opportunity to ask questions. It was agreed that this would be discussed further possibly at the Board strategy day.

6.2 The Board noted that many of deadlines for consultations and submissions do not align comfortably with Board meetings. Karyn McCluskey and Lindsay Montgomery will consider those that could be signed off by the Chair or Chief Executive and those which should go to the Board. With regard to the public appointments consultation Board members were invited to send comments to Dorothy Smith copied to the Chair.

Action: Board members to send comments on the public appointments consultation to Dorothy Smith copied to the Chair.

7. Governance Review – verbal update

7.1 Lindsay Montgomery reported that the Governance Review is ongoing. He and the Accountable Officer were working with Dorothy Smith and Helen Boath to produce documents for the next ARC meeting and thereafter the November Board meeting.

Action: ARC meeting to be arranged prior to November Board meeting to review governance documents.

8. Draft 2019/20 Annual Report and Accounts (CJS/2020/38)

8.1 Joanne Brown, External Auditor, presented the annual report for 2019/20. She thanked Helen Boath and Denise Huntridge for their help and support with this years' audit. She reported that there was no matter that caused difficulty and had produced an unmodified opinion. The Chair thanked Ms Brown and her colleagues. Alec Spencer reported that the ARC had seen an earlier draft of the report prior to the Board and noted the report had been shortened and was now more concise.

8.2 On the draft letter of representation the Chair noted the he should not be included in the signatories for this document as it was for the Chief Executive to sign.

8.3 It was agreed that the Board would forward any final amendments to the report to Helen Boath by close on 4 September. The Chair thanked Helen Boath for production of her first set of CJS accounts.

Action: Helen Boath to remove the Chair's name from the letter of representation. Board members to forward any comments on the Annual Report to Helen Boath by 4 September 2020.

9. Risk Register (CJS/2020/39)

9.1 Bill Fitzpatrick presented the updated Risk Register. The Board comments included:

- Risk 15 – Prison population – This risk is showing that it has decreased, however, it should remain the same as this is fluctuating at the moment.
- Risk 10 –Comms – Risk has not decreased, needs to be reviewed.
- Risk 14 - Budget – This should be 'red' as scenario planning indicates there is a risk long term.
- Risk 11 – Improvement - Revised timeline for review of the OPIF required.
- New risk – with extra work coming to CJS with justice system recovery, is there a need for more resources and reprioritization.

9.2 Bill Fitzpatrick reported that the Project Support Group (PSG) is up and running and undertook to send guidance to Board.

Action: Bill Fitzpatrick to undertake amendments to the Risk Register. Dorothy Smith to circulate PSG guidance to the Board.

10. Q1 Performance report (CJS/2020/40) Draft Business plan Oct 2020-March 2021 (CJS/2020/41)

10.1 The Board noted the Q1 Performance Report and expressed thanks to the team for all their hard work over the last 6 months. The Board noted the draft business plan for the next 6 months. The justice system recovery work will impact and will bring additional challenges. Glenys Watt suggested that there may be cross-cutting outcomes and proposed that an external evaluation be considered, it was agreed that this should be raised with the SG.

10.2 Bill Fitzpatrick informed the Board that he would share the next iteration business plan with SG.

10.3 Alec Spencer said that the Board could be used as a resource and he is more than willing to offer his services where required.

Action: Bill Fitzpatrick to share business plan for next 6 months with SG. The Chair and Karyn McCluskey to raise with SG the proposal for an external evaluation to identify if there are any cross cutting outcomes.

**11. Budget – scenario planning - CJS/2020/42
Management Accounts period 4 April-July 2020 CJS/2020/43**

11.1 Helen Boath presented the budget scenario planning paper to the Board. The Board expressed concern about future funding, which could result in CJS being prevented from fulfilling its statutory functions. The Chair undertook to raise the Board's concerns re future funding with SG.

11.2 The Board noted the management accounts for period 4.

Action: The Chair to raise the Board's concerns re future funding with SG.

12. LD&I – update on training CJS/2020/44 – [Due time constraints this Board paper was deferred to a future Board meeting]

13. ARC draft minute of meeting 3 August 2020 CJS/2020/45

13.1 Alec Spencer provided the Board with a report of the ARC meeting held on 3 August 2020. He reported that the Internal Audit annual assurance report submitted to the Committee on the day of the meeting and the overall assessment was Limited Assurance. The report as well as being submitted very late was very disappointing, it lacked clarity and had a number of inaccuracies. Karyn McCluskey reported that there has been ongoing correspondence with internal audit and dissatisfaction expressed on behalf of the ARC.

14. AOB

14.1 The Board agreed to hold a strategy day before the November Board meeting.

14.2 Board recognised the hard work done by the team over the last 6 months and the Chair undertook to email the team acknowledging all their efforts.

Action: Dorothy Smith to arrange a strategy day before November 2020. The Chair to email the team acknowledging their efforts.

15. Private session – Board members and Chief Executive.

Next meeting Wednesday 4 November 2020

14 September 2020