



**BOARD MEETING
MINUTES OF THE MEETING HELD ON
WEDNESDAY 6 MARCH 2019, 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
Mr Keith Gardner, Head of Improvement, **(Item 10 only)**
Ms Gemma Fraser, Improvement Lead, **(Item 7 only)**
Ms Karyn McCluskey, Chief Executive **(Items 1-7)**
Ms Sarah McCullough, Commissioning Framework Lead
(Item 11 only)
Mrs Dorothy Smith, Business Manager (minutes)

Presentation: Mr Anthony McGeehan, Head of Policy, COPFS

Ms Watt welcomed Mr McGeehan to the meeting. He was invited to give a presentation on Diversion from Prosecution (DFP).

Mr McGeehan informed the Board of a thematic report published in Nov 2018 on The Prosecution of Young People. As a result guidance has been drawn up for diversion for 16/17 year olds. The report focussed on early intervention and a welfare-centred approach to children and young people, the current approach to Youth Justice in Scotland – Getting it Right for Every Child (GIRFEC) – offering the right help at the right time. It is a child centred, welfare-focused approach promoting, in a multi-agency context, early Interventions to respond to the first signs of harmful behaviour. Tackling the cause and impact of offending behaviour through addressing the wider needs of the young person and keeping young people out of the formal criminal

justice system, wherever possible, is a key objective of the Scottish Government's Youth Justice Strategy.

Ms Watt asked if diversion was used for adult offenders and Mr McGeehan confirmed that the same principles applied as for young offenders. Ms McCluskey provided background on a pilot DFP in Aberdeen. She also informed the meeting that CJS had revised guidance on DFP for CJSW which has been passed to SWS and COPFS.

Sheriff Mackie referred to the Edinburgh Study of Youth Transitions and Crime and the findings on keeping young people out of the system.

The Board asked if there would be resource savings resulting from DFP, Mr McGeehan explained that there had been no targets set for diversion and savings, he did predict an increase in the use of diversion. The Board felt long term if there were resource savings these should be measured and resources better deployed.

Mr McGeehan concluded 4 keys actions going forward to:

- Work to produce policy DFP regulations
- Work together to support DFP
- Support CJS to develop training Programme
- Collate data on rates of diversion and effectiveness

Ms Watt thanked Mr McGeehan for his very informative presentation.

Agenda Items:

1. Welcome and Apologies

1.1 Ms Watt 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 of 23 January 2019

3.1 The Board approved the minute of the Board meeting held on 23 January 2019, 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. Mr Fitzpatrick provided the Board with an update on action 6: the plastics project and he awaits a meeting with COSLA, a key player in the delivery of the project. He updated on action 9 on the Business Continuity Plan, he reported that it is consistently under review and the annual test had been undertaken. Action 5 CJS Values, updated

version to go to April Board meeting. The Board requested that the target dates be reviewed.

Action: CJS revised values to be submitted to the April Board meeting. Mrs Smith to update the action tracker with revised target dates.

5. Chair Update

5.1 Ms Watt reported that she observed the S22 hearing at the Scottish parliament on 24 January, and this had taken place with no major problem.

5.2 Ms Watt wrote to Paul Johnston, DG for Education, Justice, Communities and had received a response. Additional funds would be made available for recruitment of a Finance Manager and PA for CE. Ms Watt undertook to write again re 20% cut in overall budget and to invite Mr Johnston to a future meeting of the Board.

5.3 Ms Watt thanked members for their input to the workshop on 20 February. She reported that she and Mr Spencer had met with Sarah McCullough on business planning for 2019/20. Whilst noting this is mainly an operational document the Board is keen to agree the main priorities within it, in terms of impact, for the coming year. The Business Plan will come to the April Board meeting.

5.4 Ms Watt received a letter from Donna MacKinnon, Deputy Director for Justice, encouraging take up of training for new board members. Induction training will take place on 13 March, Mr Spencer to attend. Mr Bell attended in November 2018 and Mr Kirkwood to attend the event planned for November 2019.

Action: Ms Watt to write to DG re: funding. Business plan to be added to April Board agenda.

6. Chief Executive update

6.1 Ms McCluskey reported no specific update items. CJS team continuing to taking forward the agenda and a trusted source of expertise.

7. Restorative Justice (CJS/2019/09)

7.1 Ms Fraser provided the Board with background on restorative justice, its delivery, evidence and current position in Scotland.

7.2 On 21 February, research was presented to the Justice Board on international restorative justice models, including three potential options for a Scotland-wide approach. Ms Bendle had some areas of concern about restorative justice; are victims psychologically ready and timescales and keen that victims groups are involved in the process at set up stage.

7.3 Ms Fraser reported that 3 events on RJ are being held in Edinburgh, Hamilton and North Lanarkshire. Draft restorative justice action plan has been drawn up and

Ms Fraser undertook to circulate this to the Board along with information about the events/venues.

Action: Ms Fraser to circulate draft action plan to the Board.

8. Risk Register– (CJS/2019/10)

8.1 Mr Fitzpatrick provided the Board with an update on the Risk Register.

8.2 The Board discussed the following risks:

- Risk 1 - agreed the OPI framework review required to be undertaken by 2020 and that it will be submitted for ministerial approval.
- Risk 2 – The VAT for commissioning, no definitive position on the VAT issue, will be determined when it is developed at start 2021.
- Risk 3 – budget, the risk has reduced but long term the risk is high - to reword the assessment to include “indicates that cost pressures can be managed although means making cuts in what we can do and going forward, if a similar flat cash budget occurs in the following year will seriously curtail what can be achieved./threaten the viability of the organisation”.
- Risk 8 – skills capacity gap – current score to be amended to 25 and excess risk 8.

8.3 Mr Fitzpatrick informed the Board that a Finance Manager, Deborah Mia, had been appointed and would start on 7 March. She would be reviewing the financial systems and processes and would work as a finance partner across CJS. She will attend the ARC meeting on 28 March.

9. Budget Planning 2019/20 - (CJS/2019/11)

9.1 Mr Fitzpatrick advised the Board of the indicative position for the CJS 2019/20 budget. The CJS allocation is a flat-cash settlement of £2.22m. The Board noted that this will be tight for 2019/20 but will not be sustainable going forward beyond that.

9.2 Mr Fitzpatrick reported that at present Research will be one of the areas likely to be the focus of cuts. The Board asked what the expected underspend would be for this financial year. Mr Fitzpatrick undertook to review the position and report back to the April Board.

Action: Mr Fitzpatrick to review the underspend position and report back to the Board at April meeting.

10. Community Justice Activity across Scotland - (CJS/2019/12)

10.1 Mr Gardner presented the draft CJS Outcome Activity annual report for approval along with report of community payback order for 2016/17 and 2017/18. Mr Gardner stated that the annual report was the first and lessons have been learnt for next year.

10.2 It was noted that the CPO reports have focused on unpaid work rather than supervision.

10.3 Mr Gardner requested any proof changes to the report to be emailed to him. Ms Watt suggested that in future an analytical table would be helpful to see at a glance performance across the partnerships.

11. Strategic Commissioning Framework Update- (CJS/2019/13)

11.1 Ms McCullough updated the Board on the progress of the Strategic Commissioning Framework.

11.2 The Board noted that further stakeholder engagement is planned for March to support the development of the framework.

12. Minute Audit and Risk Committee meeting 16 January 2019 (CJS/2019/14)

12.1 Mr Bann presented the minute of the ARC on 16 January this followed his verbal report at the Board meeting on 23 January. Mr Bann undertook to provide a self-assessment checklist of the ARC's effectiveness for the ARC meeting on 28 March 2019.

12.2 Ms Watt reminded members of training on offer and that this is an item for the HRRC meeting on 27 March 2019.

13. AOB

Board Committee meetings

13.1 Ms Watt reminded members of the upcoming committee meetings:

- HRRC 27 March
- ARC 28 March
- Mr Spencer circulated a draft ToR for the new Performance and Impact Committee (PIC) members to include, Sheriff Mackie, Mr Kirkwood, Ms Watt with Mr Spencer in the Chair.
- Ms Watt has invited Mr Burley to join the HRRC.

CJS National conference 25 March

13.2 Mrs Smith reminded members of the national conference to be held on Monday 25 March at The Drill Hall, Dalmeny St, Edinburgh.

Next meeting Wednesday 17 April 2019

11 March 2019