

DRAFT MINUTE OF THE MEETING OF THE LOTHIAN AND BORDERS COMMUNITY JUSTICE AUTHORITY

Newbattle Abbey College, Dalkeith
Thursday 19th May 2011

Present: Councillor John Muir (WLC)(**Chair**), Councillor Sandy Scott (SBC),
Councillor Paul Edie (CEC), Councillor Jack Aitchison (MLC)

In Attendance: Rob Strachan (CJA), Mary Lewis (ELC), David Cressey (SBC), Jim Dustan (SPS), Mary Bowman (Audit Scotland), David Wightman (Audit Scotland), Graeme Stenhouse (CEC), Angela Gentile (CJA), Allister Short (NHS Lothian), Laura Baxter (Victim Support), ACC William Skelly (L&B Police), Fiona Allan (Families Outside), Gillian Oghene (WLC), Ron Lancashire (CEC), Eibhlin McHugh (MLC), Sally Crighton (CJA), Andrea McLachlan (CJA)

Observing: Stefan Kromker (SERCO), Andrew Dalglish (SERCO)

Apologies: Councillor Kenny McLeod (ELC), Councillor Margot Russell (MLC), Monica Patterson (ELC), Murray Leys (ELC), Michelle Miller (CEC), Jennifer Scott (WLC), Tim Ward (WLC), Jim Aitken (Includem), Fiona Steel (Action for Children), Phil Mackie (NHS Lothian), Ged McEneaney (Apex), Colin Anderson (MLC), Andrew Lowe (SBC), Dr Alan Mordue (NHS Borders), Dr Eric Baijal (NHS Borders), John MacFarlane (COPFS)

DECLARATION OF INTEREST

The Members present confirmed they had no financial or non-financial interest in any matter included in the Agenda for this meeting.

1. WELCOME & INTRODUCTION

Following changes in CJA Partner representation the Chair thanked the following, on behalf of the CJA for their contribution:

- John Tyson, City of Edinburgh Council (now retired)
- Ian Neil, Midlothian Council (now retired)
- Morag McLaughlin Area Procurator Fiscal
- ACC Iain Livingston, Lothian & Borders Police
- Phil Mackie, NHS Lothian

The Chair welcomed and introduced:

- ACC William Skelly, Lothian & Borders Police
- Allister Short, NHS Lothian
- Laura Baxter, Victim Support

The Chair also welcomed Stefan Kromker and Andrew Dalglish from SERCO, who were observing today's meeting.

2. APOLOGIES

The Chair advised the meeting of the apologies for absence.

3. PREVIOUS MINUTE

3.1 The Chair advised that the draft minute of the previous meeting of 17th February had been circulated for approval. No amendments were put forward therefore the Chair moved that this Minute be accepted as the approved Minute from this meeting and as such be posted on the CJA website.

Decision

The Members agreed to:

1. Approve the previous Minute.

4. MATTERS ARISING

4.2 East & Midlothian Agenda for Change

The Chair invited Mary Lewis to provide her verbal update on the East and Midlothian Agenda for Change before her departure at 2.30pm.

Mary Lewis advised Members that a project team and Board were now in place. Their focus is to look at current services and use all data available to identify shared work possibilities. The first service to be looked at in detail is Community Service. The project team are considering how the service can be transformed in terms of staff and skills and the possibility of co-location, including IT support. Two project meetings have been held to date, and meetings will continue to be held weekly, with work moving forward rapidly.

A further report will be provided in the autumn.

The Chair thanked Mary for her update and excused her from the remainder of the meeting.

Presentation by Mary Bowman, Audit Scotland on Financial Management Standards

Mary Bowman informed Members on what financial management is; why it is important and what is involved.

Good financial management drives performance and it can benefit decision making, planning, best value and the ability to be transparent and accountable. This is particularly important in the current climate of financial austerity.

There is clear guidance in place for the CJA Accountable Officer, Rob Strachan. This includes the Financial Memorandum, Scottish Public Finance Manual, various Service Level Agreements for CJA services and CIPFA¹'s guidance for Chief Finance Officers. The CJA accounts must undergo Parliamentary scrutiny therefore there is a rigorous process which must be undertaken each year.

There are resources available to help improve financial management with self assessment toolkits available on Audit Scotland's website and an on-line health check on the CIPFA website.

Graeme Stenhouse asked Members to note that overspend needs to be considered as seriously as underspend, as any overspend needs to be borne by the Local Authorities.

The Chair thanked Ms Bowman for her informative presentation. He also noted the need for accuracy in the quarterly reports.

¹ CIPFA - The Chartered Institute of Public Finance and Accountancy
<http://www.cipfa.org.uk/fm-model/#freehealthcheck>

4. MATTERS ARISING continued/

4.1 Integrated Case Management

The Chief Officer reported on the performance of Lothian & Borders CJA in context with the rest of Scotland as had been requested at the previous meeting. With an average ICM attendance of 95%, Lothian & Borders is the second best performing CJA in Scotland.

Decision

The Members agreed to:

1. Note the content of the report.
2. Receive a quarterly update on ICM as part of the Community Justice Performance Framework.

4.3 Accommodation Protocol

The Chief Officer provided a verbal update noting that a meeting was to take place on 31st May 2011 to carry forward the Accommodation Protocol and that he would give an update at the next meeting.

Decision

The Members agreed to:

1. Request a further update at the next meeting.

5. FINANCE

5.1 Section 27 – End of year position statement

Graeme Stenhouse informed members that work is ongoing to finalise the Section 27 spend for 2010/11. Virement requests have been submitted to Scottish Government and are awaiting confirmation.

Due to delays in recruitment, around £100,000 of Caledonian money had already been returned to Government and another £20,000 is due to be returned. Mr Stenhouse asked that it be noted that this underspend did not in any way reflect badly on the project, but was due to unforeseen delays in recruiting the appropriate staff.

Graeme noted the summary positions of each Local Authority for the 2010/11 financial year as being, City of Edinburgh Council (even), East Lothian Council (£20k over), Midlothian (£10k over), West Lothian (even), Scottish Borders Council (£8k under) and the CJA (even). This results in an overall £22,000 overspend. It was noted that planned council subsidies were reflected in the figures given.

Councillor Edie questioned the amount of subsidy from City of Edinburgh Council. Mr Stenhouse and Ron Lancashire provided a full explanation and explained this should be addressed in the future with the change in method for funding DTTO.

Decision

The Members agreed to:

1. Note the content of the report.

5.2 Proposals for the 2011-12 Section 27 Core Allocation

The Chief Officer provided an update on the progress made since the last meeting. Two meetings have been held to discuss the matter, firstly a meeting with all of the local authorities hosted by City of Edinburgh Council, and secondly a bi-lateral meeting between Scottish Borders Council and West Lothian Council as the main authorities affected.

The first meeting explored options for supporting Scottish Borders Council to maintain the integrity of their service. It was agreed that a risk assessment would be required to identify any gap in provision that Scottish Borders Council may have in their service.

The second meeting agreed a two year phased approach to the changes in funding and the development of a set of protocols for finance allocation to provide transparency.

Councillor Scott wished to note his agreement to a risk assessment being carried out by Scottish Borders Council and Councillor Muir added that a risk assessment would be beneficial for all of the local authorities to adopt.

Decision

The Members agreed to:

1. Support the implementation plan which has been developed from the February 2011 Board decision.
2. Support the development of an agreed set of principles / protocol that provides the basis for grant allocation between the CJA and Local Authorities, including risk assessment by all five councils.
3. Request a risk assessment report of statutory provision in Scottish Borders Council and a strategy for mitigating these risks.
4. Agreed to Scottish Borders Council grant reduction of £270,000 being phased over a two year period.

5.3 Lothian & Borders CJA Annual Audit Plan 2010-11

Mary Bowman presented her report on the Annual Audit Plan to Members. The audit approach is based on an identification of the key risks facing the Authority and the challenges facing the public sector in general.

The approach is designed to provide Audit Scotland with sufficient appropriate audit evidence as to whether financial statements are free of material mis-statement.

It is important that Members are aware of the introduction of International Financial reporting standards (IFRS), although the impact on the CJA should be minimal.

The key dates for completion are set out in the Annual Audit Plan and the agreed fee is £4,700.

The Chief Officer noted his support for proper management and use of Section 27 funds and advised Members of the need for a greater level of reporting detail, particularly on virement and quarterly reports as determined by the Scottish Government.

Decision

The Members agreed to:

1. Note the contents of the report.
2. Approve the Annual Audit Plan 2010-11.

5.4 Women Offenders Funding

Councillor Muir advised Members that the move of women prisoners from HMP Cornton Vale to HMP Edinburgh had now been confirmed and would take place at the end of July 2011.

The Chief Officer noted that the CJA had received £100,000 funding from Scottish Government for Women Offenders and he had held meetings with Willow, Circle and APEX to develop a business case based on added value. A wider strategic debate will be held at the August Board meeting. Funding arrangements have been agreed with APEX and Circle with some funding retained by the CJA to assist with the transfer of prisoners from HMP Cornton Vale to HMP Edinburgh. The CJA has also held a consultation on the prison transfer with partners and the results of this have been submitted to Scottish Prison Service Board.

Decision

The Members agreed to:

1. Note the progress around the allocation of women offenders funding.
2. Recognise the contribution of Willow to the debate, and the leadership of Allister Short, NHS Lothian.
3. Agreed to an overview of the use of women offenders funding at the next meeting.

6. PERFORMANCE

6.1 Community Justice Performance Framework

The Chief Officer presented his report on the development of a performance framework for the CJA.

A meeting was held on 13th April 2011 with partners. It was chaired by Councillor Scott and also attended by Councillor Russell.

The meeting explored the key issues and messages around the development of the framework. The objective is to tell members the story of Community Justice in Lothian & Borders.

Councillor Scott wished to add that it had been a good day, which was well attended and productive. He also reflected that the main reason the CJA had been set up was to reduce re-offending. Whilst a lot has been done already, we can do more and we should be asking what has caused somebody to be in prison and how we can correct the problem. Councillor Scott concluded by stating that prison should be a life changing experience.

Decision

The Members agreed to:

1. Note the commitment given by high level partners in the public and third sectors to the process so far.
2. Note the progress in the development of community justice performance framework
3. Note the iterative nature of the approach and feedback any suggestions they may have around the performance reporting service.
4. Support a performance reporting trial by partners at the August CJA Board.

7. POLICY UPDATE

7.1 Policy, Research and sharing good practice

The Chief Officer presented his report on the progress made on the promotion and sharing of policy, innovation and learning. The key challenge is to ensure the CJA is resilient and policy development adds value.

The CJA is exploring the showcasing of local delivery, through presentations at each CJA meeting and introduced the Learning & Innovation Programme with the first workshop held prior to this Board meeting. These workshops will bring learning from elsewhere and each other.

The Performance Framework will use performance and intelligence information to help determine priority themes and will involve a high level dialogue with individual partners as well as Community Planning Partnerships and ELBEG.

The CJA has also produced a Policy and Research Register which gives partners access to the latest policy and research received by the CJA and supplemented by environmental scanning, accessible via the CJA website.

The Chief Officer encouraged partners and all staff from their agencies to attend the free Learning & Innovation workshops and to feed back on improvements that can be made around the Policy & Research Register.

Decision

The Members agreed to:

1. Note the progress made by the CJA team around the development of the policy and research register and the Learning & Innovation programme.

8. SHOWCASING LOCAL DELIVERY

8.1 HMP Addiewell (HMIP² Report)

The Chief Officer informed Members that HMP Addiewell had received an overall good inspection, with the report describing the prison as 'impressive'. It was also reported there were good community links around reintegration.

Areas for improvement were noted as being; a small problem with low level violence against staff and it was felt that healthcare was basic. Mr Strachan is working with the Chief Officer of Lanarkshire CJA to explore and address the issues jointly.

Allister Short advised Members that NHS Lothian have now seconded a healthcare manager to HMP Addiewell in respect of the transfer of healthcare to NHS from 1st November, and progress is positive to date.

Jim Dustan added that as a young establishment HMP Addiewell had made an excellent start. The Chair noted his interest in this item as he is a Prison Visitor to HMP Addiewell and reported his view that it is a well run establishment.

A discussion was also held on the reporting requirements for private prisons such as HMP Addiewell.

² Her Majesty's Inspectorate of Prisons

Decision

The Members agreed to:

1. Note the content of the report

9. UPDATE ON CJA PRIORITIES

9.1 Draft Annual Report 2010-11 and Action Plan 2011-12

The Chief Officer reaffirmed the statutory requirement to submit the Annual Report and Action Plan to Government.

Members were informed that the Annual Report 2010-11 is currently out for consultation with partners and the Chief Officer wished to recognise the huge contribution made by partners and the CJA team in pulling this all together.

The Action Plan 2011-12 is currently being rewritten as there has been a change in context since it was completed last year due to several factors. The Chief Officer informed partners that they will be asked to contribute to the review.

Decision

The Members agreed to:

1. Note the current status of the Annual Report and Action Plan and provide feedback, in accordance with the timeline.
2. Recognise the substantial contribution of partners across sector, to the development of the Annual Report.
3. Agree to a follow up report, upon receipt of feedback from Government.

10. INFORMING AND INFLUENCING NATIONAL POLICY

10.1 How the CJA & Partners are influencing National Policy

The Chief Officer presented his report to Members on the progress of the CJA to inform National Policy and highlighted three key areas of progress:

- Recent submission to the Christie Commission;
- The opportunity to engage with health on a national level; and
- The Chief Officer supporting the Convenor at the National Convenor Group.

Decision

The Members agreed to:

1. Recognise the contributions of the five Local Authorities, the Police, two Directors of Public Health, and Circle around the consultation exercise regarding the potential transfer of women offenders to Edinburgh.
2. Recognise the support for the Chief Officer on his National Justice / Health portfolio by Health colleagues, Phil Mackie and Dr. Eric Baijal.
3. Note the evolving approach to informing and influencing national policy and to encourage partners to take full advantage of the policy and research register as an aid for influencing national policy and keeping track of national developments.

11. No AOCB items were submitted

12. Date of Next Meeting

The next meeting will be held at Newbattle Abbey College, Dalkeith, on Thursday 18th August at 2 pm.

CLOSING REMARKS

The Chair wished to note the ongoing feedback he receives that Lothian & Borders CJA is held in high regard by the Scottish Government and it has a good relationship with the Scottish Government and in particular with the Civil Servants.

The Chair also noted that the new Cabinet Secretary for Justice had been invited to speak at the next Learning and Innovation workshop on the 18th August.

The Chair concluded the meeting by advising all present that Andrea McLachlan will be leaving on maternity leave from the 26th May and wished her well.