

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

Newbattle Abbey College, Dalkeith
Thursday 22nd April 2010

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

In Attendance: Chris Hawkes (CJA), Angela Gentile (CJA), Andrew Lowe (SBC),
Ian Quigley (WLC), Tim Ward (WLC), Michelle Miller (CEC), Monica
Patterson (ELC), Gordon Miller (ELC), Margaret Brewer (MLC), Graeme
Stenhouse (CEC), ACC Iain Livingstone (L&B Police), Jim Dustan (SPS),
Simon McLean (Sacro), Dr Nancy Loucks (Families Outside), Mary
Bowman (Audit Scotland), David Wightman (Audit Scotland), Alan
McCloskey (Victim Support), Joe Connelly (Venture Trust), Sally Crighton
(CJA)

Apologies: Councillor Kenny McLeod (ELC), Colin Anderson (MLC), John Scott
(MLC), Dr Eric Baijal (NHS Borders), Dr Alan Mordue (NHS Borders),
Angela Ward (Scottish Courts), Fiona Steel (Action for Children), Jan
Williamson (Includem), Marjory Frew (Apex), Morag McLaughlin (Crown
Office Procurator Fiscal), Phil Mackie (NHS Lothian)

Observing: Charmaine Omane (Scottish Borders)

WELCOME

The Chair welcomed everyone to the meeting.

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. APOLOGIES

The Chair advised the meeting of the apologies for absence.

MEETING RESOLUTION

Prior to commencing the meeting the Chair sought the approval of Members to apply article 2.5 of the CJA Standing Orders in respect of Agenda Item 4.1 due to the confidential, personal and sensitive nature of the business included therein.

Resolution

The resolution was passed unanimously

2. PREVIOUS MINUTE

The Chair advised Members that the action arising from Item 9 of the previous Minute had been completed by Mr Jim Dustan who had provided Dr Alan Mordue with a copy of the Life/Time evaluation report.

Decision

The Members agreed to:

1. Approve and accept the Minute of the previous meeting of 28th January 2010 as an accurate record.

3. MATTERS ARISING

3.1 Integrated Case Management (ICM) April 2009-February 2010

The Chief Officer presented the report to Members. Integrated Case Management is specific to long term prisoners and involves both Scottish Prison Service and Criminal Justice Social Work. The target set by Government is 85%. The Chief Officer advised Members that the most recent reports, up to February 2010, indicate an average attendance rate of 96% for 2009-2010.

Decision

The Members agreed to:

1. Note the contents of the report

3.2 EAST & MIDLOTHIAN 'AGENDA FOR CHANGE'

The Chief Officer advised Members that there had been significant progress in this project since it was first announced at the February 2009 CJA meeting. A Report is due to be submitted in May to both East and Midlothian Councils which will then be brought to the CJA on the 22nd July. It was noted that the meeting planned for 21st April to discuss the draft Governance Report was postponed as key personnel were unavailable due to the 'volcanic ash' global travel problems. The draft report has been circulated to the Project Board.

Decision

The Members agreed to:

1. Note the contents of the report
2. Receive a copy of the Agenda for Change Report at the 22nd July CJA meeting

3.3 MAPPA FINANCE MONITORING

The Chief Officer advised the meeting Lothian & Borders Police oversee the MAPPA Coordinators and manage the Section 27 grant that is aligned to this workstream. The Police are currently reviewing transport options for the Coordinators and the Chief Officer confirmed this will carry no financial risk to the CJA. The Chief Officer further confirmed that any underspend at the year end will be returned to the centre to offset overspend on core business.

Decision

Members agreed to:

1. Note the contents of the report.

3.4 Finance Service Level Agreement funding proposal

The Chief Officer confirmed that approval had been received from the Scottish Government to part fund the Finance Service Level Agreement (SLA) from a one-off payment from the CJA Administration budget. This shortfall which had arisen from the Strategic Development Coordinators post starting part year will be added to the interest earned on the Section 27 account to meet the full cost of the SLA.

The Chief Officer alerted Members to the Scottish Government's approval which stated that any such use of the CJA Administration funding should be avoided and the usual approach would be that the management of Section 27 monies is paid from Section 27 monies.

Councillor Scott queried the level of funds available in the Section 27 account to clarify the potential level of interest that may be earned to cover the cost of the Finance SLA. The Finance Manager confirmed approximately £1.1 million was paid into the account each month although these funds were then distributed on to the five local authorities, limiting the time the money was held in the account.

Decision

Members agreed to:

1. Note the contents of the report

3.5 DTTO II (Drug Testing & Treatment Order) Pilot Update

A report was submitted by John Tyson who is leading this pilot in Lothian & Borders. The Chief Officer further advised Members that this pilot is designed to make Drug Testing and Treatment Orders available in the lower Courts and for less serious offences. The target groups are young offenders and women offenders. Mr Tyson's report confirms the Courts are making use of this disposal and 50% of all referrals are for young women offenders, especially street workers.

The evaluation of the pilot is now complete and feedback on the report is awaited from the Scottish Government.

Decision

Members agreed to:

1. Note the contents of the report

4. FINANCE

4.1 Section 27 2009-10 Quarter 3 Report

This report was taken in private at the conclusion of the meeting.

4.2 Purchased Service Review Report

Ms Miller presented her report to Members and advised that following some delays the work had almost reached its conclusion with a report due to be submitted to the City of Edinburgh Council's Finance and Resource Committee on 1 June 2010. Five out of the six services that have undergone the procurement process have a recognised preferred bidder whilst the sixth service will be reviewed further as the bids exceeded the allocation for this service.

Due to the longer timescales than originally planned for this work it is not possible to introduce the new contractual arrangements until 1 October 2010 and Ms Miller in her report proposed extending existing service agreements until 30 September 2010 at 2009-10 funding levels.

Decision

Members agreed to:

1. Note the report
2. Receive a progress report in September for the October 21 CJA meeting

4.3 Independent Review of Financial Allocation

The Chief Officer provided Members with an update on the status of this project. Due to several delays including additional work being required to obtain the necessary level of detail, the findings of the review have not been available in time to allow the Directors group to determine the appropriate allocation of resources for 2010-11. The Chief Officer advised Members that it is ultimately the responsibility of the CJA to agree and approve the allocation of the Section 27 financial resources and requested they consider this Item in conjunction with the options as laid out in the paper submitted under Item 4.4a.

Decision

Members agreed to:

1. Note the report.

4.4a Section 27 Allocation 2010-11

The Chief Officer presented his report to Members summarising the position of the Non Core (Purchased Services) and Core (Independent Review of Financial Allocation) reviews which have been previously covered in Items 4.2 and 4.3 respectively. Neither review has completed in sufficient time to allow them to be considered by the CJA in respect of the allocation process for 2010-11. The Members were requested to consider a range of proposals to ensure services are unaffected and sufficient time is given to the Directors of Social Work, following the July CJA meeting, to implement the findings of the cost base review and present this to the October CJA meeting.

Decision

Members agreed to:

1. Approve the allocation of the budget for an initial period of 6 months based upon the percentage allocation for Core as allocated in 2009-10 and 50% of the actual allocation for non-core as allocated in 2009-10.
2. Request City of Edinburgh to take all necessary action to terminate existing purchasing arrangements in order that the newly procured contracts commence from 1st October 2010.
3. Receive reports on both Core and Non Core reviews at the 22nd July CJA meeting and thereafter receive a report from the Chief Officer in conjunction with the Directors Group on the allocation of these services in advance of the 21st October CJA meeting.

4.4b 2010/11 Section 27 Allocation

Graeme Stenhouse presented his paper which detailed the significant changes between the 2009-10 and 2010-2011 allocations. Core funding has increased by £0.02 million which includes the additional £4million funding for the introduction of Community Payback Orders. It was noted that there was no cost of living uplift.

The Non-Core funding of £4.6million includes the £100,000 funding which has been provided for one year only to develop services for Women Offenders.

Members agreed to:

1. Noted the report

4.5 Growth Fund Allocations 2010-11

The Chief Officer presented the report which sought Members minuted approval for the decisions relating to growth funding and the women offenders funding for 2010-11.

The CJA invited and assessed bids by establishing criteria based on national priorities and relevant local priorities from the Area Plan. Twenty one bids were received, six for women offenders funding and fifteen for growth funding.

The Chief Officer provided Members and partners with a full update of the successful bids by means of a tabled paper at the meeting.

Decision

Members agreed to:

1. Note the contents of the report.
2. Accept and note the tabled paper which they had previously been consulted on
3. Formally approve the awarding of these funds

5. Area Planning Update

The Chief Officer advised Members that the Area Plan 2011-14 has been fully circulated for consultation to a comprehensive range of partner agencies and all feedback will be considered before the draft Plan is submitted to the Scottish Government on 28th May 2010.

Members agreed to:

1. Note the contents of the report

6. CJA Groups

Angela Gentile advised Members of an error contained in the Group Tracker which will be amended by the next meeting in respect of the monthly dates. Ms Gentile also advised Members that the age group of prisoners targeted by the Keep Well programme as referred to in point 3.1 of the report should read as '35-65 years'.

ACC Livingston provided the Members with a verbal update on the MAPPA Governance work-stream which was further discussed at the ELBEG (Edinburgh, Lothian and Borders Executive Group) meeting on 9th April. The proposal is for an ELBEG Strategic Oversight Group to have pan Lothian & Borders MAPPA governance responsibility. A further meeting is to be held on 21 May where there will

be further discussion especially on the lines of responsibility between the Oversight Group and the Chief Officer Groups.

Ms Gentile provided Members with a verbal update on the MAPPA Memorandum of Understanding workstream which is now complete following the sign off by all Responsible Authorities.

The Chair thanked Ms Gentile for her update and expressed his gratitude to everyone involved for their contribution to the CJA through the groups and work-streams.

Decision

Members agreed to:

1. Note the contents of the report

7. AOCB

7.1 Annual Audit Plan 2009-10

Ms Bowman thanked the Chair for the opportunity to present the Annual Audit Plan for 2009-10 to Members. Ms Bowman highlighted the key duties of Audit Scotland which include understanding the key systems of internal control within the CJA. The audit arrangements will be based on the work of the external auditors within each local authority. It is the responsibility of the CJA to prepare the annual accounts based on the timetable included in the Plan.

Ms Bowman advised Members that the key risks that have been identified within the CJA relate to the current level of funding and council subsidies.

Decision

Members agreed to:

1. Note the contents of the Plan

7.2 Caledonian Delivery Proposal

Mr Lowe thanked the Chair and Members for accepting this late item. Mr Lowe provided Members with the background to the Caledonian bid and its submission to Government in February 2010 which had to be re-submitted as the costs were too high. Government confirmed that whilst the assessment of the Lothian & Borders proposal was acceptable in terms of readiness to deliver the cost was still out-with the current budget available.

The Service Managers Group met on 9th April where they determined any further reduction in cost would impact on the standard of delivery. A reduction in scope was agreed as the only option. Mr Lowe (as the representative of the Directors Group) and Harry Robertson (as the representative of the Service Managers Group) took this forward into a meeting with Government on 16th April where Government stated the actual funds available. Mr Lowe and Mr Robertson compiled 5 options which gave scenarios for reducing the scope of the proposal by delivering it to a limited number of authorities within Lothian & Borders.

Mr Lowe requested Members to consider the recommendation in the paper for Option 1 which would allow the Caledonian programme to be delivered in City of Edinburgh, Midlothian, East Lothian and Scottish Borders only, excluding West Lothian. Mr Lowe acknowledged the work and effort that had been provided by West Lothian but re-stated that this is the best option given the resources available.

The Chair opened up the debate to Members and Directors, noting that the implications under Option 1 for West Lothian Council were significant.

Mr Quigley raised his concern over the possible exclusion of West Lothian Council and felt that this would be detrimental to the development of Caledonian. He further stated this recommendation went against the CJA operating principle for equitable allocation where feasible and queried the need to make a decision urgently rather than take time to consider further options within the Directors Group. Mr Quigley proposed that the decision be deferred for all authorities to return to the CJA with a united approach to whatever decision may be made.

Mr Lowe confirmed the Government were keen to conclude this matter although he did not have a precise deadline.

Councillor Edie advised that based on the submitted report and costings he could not identify the necessary saving of £305K from any other combination of authorities and felt that the pragmatic decision had to be Option 1.

Councillor Scott raised the concern that if there was further delay then there may be the risk of losing the funding for the Caledonian programme.

The Chair requested any Member present to formally propose the adoption of Option 1 by Mr Lowe by taking a show of hands.

Decision

Councillor Sandy Scott, seconded by Councillor Edie, moved approval of the adoption of Option 1 as submitted in the paper under Item 7.2 of the Agenda.

The Chair opened an amendment to consider the option proposed by Mr Quigley that the decision be deferred for all authorities to return to the CJA with a united approach to whatever decision may be made.

Decision

Not seconded therefore amendment falls

11. DATE OF NEXT MEETING

The next meeting will be held on Thursday 22nd July at 2pm, at Newbattle Abbey College, Dalkeith