MINUTE OF THE MEETING OF THE
LOTHIAN & BORDERS COMMUNITY JUSTICE AUTHORITY
Dalkeith Miners Club, Woodburn, Dalkeith, 4th September 2008

Present	Cllr John Muir (WLC)(**Chair**); Cllr Margot Russell (MLC); Cllr Kenny McLeod (ELC)
In Attendance	Chris Hawkes(CJA); Jim Dustan(SPS); Marjory Frew(Apex); Keith Hastie(Sacro); Claire Gibson(Includem); Angela Ward(Scottish Courts); Graeme Stenhouse(CEC); Andrew Lowe(SBC); Colin Anderson(MLC); Michelle Miller(CEC); Tim Ward(WLC); Iain Livingstone(L&B Police); Josephine Mackenzie (Victim Support) Sally Crighton(Minutes)
Apologies	Councillor Sandy Scott (SBC); Cllr Paul Edie (ELC);Dr Andrew Riley (NHS Borders); Phil Mackie(L&B NHS);Greg Barton(Venture Trust);Gordon McKeand (Scottish Courts); Dr. Sue Ross(ELC), ACC; John Docherty(NCH);; Bill Comrie (Crown Office); Grahame Blair(WLC); Rhona Mackay(NCH); Rona Fraser(CEC)
Observing	Alasdair Craik(Audit Scotland); Alice Campbell(Student)

WELCOME

The Chair welcomed everyone to the meeting with a special welcome to:

- Temporary Assistant Chief Constable Iain Livingstone who is attending his first CJA meeting, representing Lothian & Borders Police
- Alasdair Craik, attending as an observer as part of his External Audit work of Lothian & Borders Community Justice Authority
- Alice Campbell, attending as an observer, as part of her student placement with Lothian & Borders Community Justice Authority

The Chair advised the meeting that Dr Andrew Mordue will be the new NHS Borders representative with effect from late September.

The Chair gave thanks to Councillor Margot Russell and Midlothian Council for their kind hospitality in hosting the meeting.

1. APOLOGIES

The Chair advised the meeting of the apologies received.

2. PREVIOUS MINUTE

The Minute of the 5th June 2008 was noted and accepted.

Decision
Minute of the previous meeting was recorded as an accurate record.

3. MATTERS ARISING

3.1 ICM[1]

The Chief Officer referred to the presented Report which advised the joint ICM target for the Scottish Prison Service and Local Authorities is 85% attendance for 2008-09.

It was noted by Mr Andrew Lowe, that the smaller, rural local authorities, who have fewer ICM meetings, may return a significantly lower percentage attendance return, if unable to attend an ICM. It was confirmed the percentage attendance figure that is reported to the CJA and published annually, will be based on the total ICMs attended across Lothian & Borders CJA.

Decision

Members agreed to:

1. Note the target for 2008-09
2. Request a 6 monthly ICM attendance report at the December CJA meeting

4. FINANCE

4.1 SECTION 27[2] & CJA ADMINISTRATION BUDGET

The Chief Officer referred to the presented Report which provided an update on the preparation of the Final Accounts for 2007-08 and the CJA Admin budget first quarter report.

The Chief Officer advised the CJA Admin budget is demonstrating spend against budget with the exception of Consultant time which will be reflected in the quarter 2 submission.

Decisions

Members agreed to:

1. Note the content of the Report.

4.1.1 2007/08 SECTION 27 OUTTURN REPORT

The Chair invited Graeme Stenhouse, Finance Manager to present his Report which was tabled at the meeting.

Mr Stenhouse advised the Final Account is on target to be submitted for audit by the end of September. The Final Account is a consolidation of all five local authorities in Lothian & Borders CJA and a further report will be submitted to the CJA once it has been audited. The key issues are:

- Diversion service has not increased in line with budget.
- NHS Agenda for Change will increase DTTO[3] service costs
- New pay scale for GPs (GPwSI[4] scale) will increase DTTO service costs
- MAPPA[5] & CISSO[6] under-spend due to time delay in recruiting staff
- West Lothian Council has supplemented their Criminal Justice Social Work expenditure from their Social Policy budget.

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[1] ICM – Integrated Case Management (a joint review meeting held in prison, with Scottish Prison Service, Local Authority Criminal Justice Social Work and the Prisoner (may also include his/her family))
[2] Section 27 – Criminal Justice Social Work grant
[3] DTTO – Drug Testing & Treatment Order
[4] GPwSI – GP with Specialist Interests
[5] MAPPA – Multi Agency Public Protection Arrangements
[6] CISSO – Community Intervention Service for Sex Offenders

The Chief Officer advised the Scottish Government now require a quarterly finance report detailing spend against each service line with detail on any variances. This report will be submitted to the Members prior to its submission to Government.

Decisions
Members agreed to:

1. Note the content of the Report.
2. Receive the final audited report

4.1.2 2008/09 SECTION 27 UPDATE AT 30/06/08

The Chair invited Graeme Stenhouse, Finance Manager to present his Report which was tabled at the meeting.

Mr Stenhouse advised there is no significant variance in the quarter 1 return and highlighted the key areas for Members to note in each local authority:

City of Edinburgh

- DTTO overspend due to increases through Agenda for Change and it was noted there may be a decision to backdate the increase, which could further increase the forecast.
- Supported Accommodation includes the one off annual payment to Sacro Allelon[7], which due to the closure of this service will be partly reclaimed.
- Mandatory Drug Testing & Treatment (MDTT) has had a lower uptake than anticipated and trend will be monitored

West Lothian

- Overspend in Probation, Community Service and Social Enquiry Reports will be balanced through funding from their Social Policy budget.
- DTTO overspend is in-line with other authorities and again due to Agenda for Change.

Midlothian, East Lothian & Scottish Borders have no significant variances to report.

A question was raised as to whether West Lothian Council were committed to subsidising their Criminal Justice Social Work from general council funds for the next 3 years. Mr Ward confirmed this was correct and noted the Social Policy structure was such that it was difficult to extrapolate the Section 27 grant money from the overall Social Policy funds.

Mr Stenhouse advised the Members that City of Edinburgh Council provide a subsidy to their Criminal Justice Social Work division but their structure allowed for this to be reported separately.

A request was made by Mr Lowe for DTTO services across Lothian & Borders to be taken as a future Agenda item to review how the best use can be made of this service. The Chief Officer noted this request and confirmed the DTTO service is one of four Service Reviews that are due to conclude at the end of 2008 and each will be formally reported to the CJA for their consideration.

[7] Allelon – Supported Accommodation Hostel for 16-20 year old, young male offenders

Decision
Members agreed to:

1. Note the content of the Report.
2. Receive quarterly detailed financial reports from October 2008

4.1.3 CJA ADMINISTRATION BUDGET – 2007/08 ACCOUNTS

The Chair invited Graeme Stenhouse, Finance Manager to present his Report which was tabled at the meeting.

As this is the first set of CJA Administration Accounts to be submitted these accounts have to cover both 2006/07 and 2007/08 financial years.

Decisions
Members agreed to:

1. Note the content of the Report.
2. Receive the un-audited set of accounts at the next CJA meeting

4.2 PURCHASED SERVICE REVIEW

The Chief Officer referred to the presented Report giving an up-date on the review which will conclude in January 2009 with a full report submitted to Members at that time. It was noted that the review of the Allelon service had been completed.

The Chief Officer requested that Members consider rolling forward the non-core funding for the remainder of 2008-09 and attend a special meeting in January 2009 with Directors of Social Work/Chief Social Work Officers to determine the non-core allocation for 2009-10.

Decisions
Members agreed to:

1. Note the content of the Report.
2. Approve the Purchased Service review process
3. Continue the existing purchasing arrangements to the end of the current financial year
4. Consider the final report in January 2009 and attend a special meeting with the Chief Officer and Directors of Social Work/Chief Social Work Officers to discuss the report and determine the funding arrangements for 2009-10.

4.3 ROLE OF ACCOUNTABLE OFFICER

The Chief Officer presented the report to Members and highlighted the key issues that result from this newly defined role:

- The CJA may need to nominate a substitute should the Chief Officer be absent for a period of 4 weeks or more or absent when the accounts are to be signed off, or identify how the accountable officer responsibilities will be covered.
- The Chief Officer has to accept this role in writing and has taken independent corporate legal advice to establish if he is in a position to do so. The advice states the following should be considered:
    - Develop and implement a Governance Framework underwritten by a specialist Service Level Agreement in respect of the Section 27 finance service provision
    - Consider appointing a Finance Director/Treasurer to oversee the Section 27 allocation

- Seek the advice of the Auditor General's office that the arrangements meet the requirements of External Audit

A question was asked how the Finance Director/Treasurer position would be funded and the Chief Officer confirmed this would need to be funded from the CJA Admin budget for Consultancy work.

A question was raised on the extent of the Finance Director role and if a full time appointment would be the best use of funding. The Chief Officer confirmed the status of the post would be similar to other Boards in that it would be an overview role to the CJA accounting and may be a senior finance manager within one of Lothian & Borders local authorities or a partner organisation.

A question was asked if Lothian & Borders CJA's proposals were consistent with the other CJAs, as this is a statutory requirement for all Chief Officers. The Chief Officer advised that this would only become clear once the external audit of all eight CJAs is complete.

The Chief Officer confirmed the development of the governance framework and the service level agreement is being done with the assistance of the external auditor.

Decision
Members agreed to:

1. Note the content of the Report and the responsibilities that underpin the role of Accountable Officer and received an update report a the next CJA meeting
2. The development of a specialist Service Level Agreement with support from legal advisor
3. Further investigation by the Chief Officer into the position of Finance Director/Treasurer

5 AREA PLAN

5.1 QUARTER 2 UPDATE

The Chief Officer referred to the presented Report and highlighted the progress that has been made by all Groups. Only one report is outstanding this Quarter due to the Chair being on holiday.

The Chief Officer advised the Members the Transition Service for Young Offenders Group will be launching a new service from 1st October which will be delivered in partnership by Includem and Venture Trust across all five local authorities. The Lothian & Borders Sheriffs have been advised of the new service.

The Chair reported he had attended the Chairs meeting in June 2008 and had been very impressed by their enthusiasm and they demonstrated clear evidence of partnership working. It was noted that the work that is being done by all of the Groups is excellent and they should be commended for their work.

Decision
Members agreed to:

1. Note the Report and request a further update at the next CJA meeting

6. MAPPA ANNUAL REPORT

The Chief Officer advised the Members that the CJA should receive the MAPPA Annual Report by the end of September but is not required to approve or amend the report. Any comments or recommendations from the Report will be taken forward in the 2009-10 Action Plan.

Decision

Members agreed to:

1. Note the content of the Report

7. SCOTLAND'S CHOICE

The Chief Officer referred to the presented Report. The Government response to this report is still outstanding but the First Minister has confirmed there will be a new Criminal Justice Bill put through Parliament in early 2009 with the White Paper issued later on this year.

The Chief Officer welcomed Mr Lowe's recommendation that any response to this report is done in consultation with the Directors/Chief Social Work Officers.

Decision

Members agreed to:

1. Note the content of the Report
2. Authorise the Chief Officer in consultation with the Directors/Chief Social Work Officers to prepare a response as required.

8. COMMUNITY VISIBILITY PROJECT

The Chief Officer referred to the presented Report and advised Members that whilst Lothian & Borders were unsuccessful with their bid, there is still the opportunity to raise the profile of the excellent Community Service work that is being done.

Mr Lowe advised the Members that it was disappointing to have been unsuccessful and in his view the letter from Government was overly critical. The Chief Officer agreed the letter did not reflect the high quality of the bid document and at the time of submission had congratulated the team for their work.

Decision

Members agreed to:

1. Note the content of the Report
2. Encourage their local authority Community Schemes to raise their profile locally and for the Community Service Review group to also review how the profile of this work can be increased positively within the local community.

9. EXTERNAL AUDIT

The Chief Officer presented his Report informing the CJA of the External Audit review that is currently in progress.

Decision

Members agreed to:

1. Note the content of the Report and receive updates as necessary

10. HIGH RISK OFFENDERS

The Chair invited Michelle Miller, Chief Social Work Officer, City of Edinburgh Council, to speak to her Report.

This Report highlights the funding dilemma for the management of high risk offenders who are not subject to a statutory order. Through MAPPA the police have identified high risk offenders who are no longer subject to social work supervision but require secure accommodation and other services to reduce the potential harm to the public.

Mr Livingstone confirmed the use of SOPO[8]s will increase and Lothian & Borders Police is currently reviewing its use of SOPOs to maximise their use. Mr Livingstone advised the Police were in full support of this Report and its recommendations.

The Chair thanked Ms Miller for bringing this matter to the CJA and for her detailed Report.

Decision

Members agreed to:

1. Note the content of this Report and request the Chief Officer to write to the Cabinet Secretary to highlight this issue
2. Seek an update at the next CJA meeting on this situation

11. **MAPPA – Roles & Responsibilities**

The Chief Officer was invited to speak to the Report that had been prepared by Rona Fraser, City of Edinburgh Council.

The Chief Officer noted his thanks to Ms Fraser for her considerable work in producing this manual. The manual is currently undergoing a consultation process which will conclude in November and the final document will be submitted to the Members for their consideration at the next CJA meeting.

The consultation process will involve all CJA partner agencies.

Decision

Members agreed to:

1. Note the content of this Report.

12. AOCB

No further business was tabled

13. DATE OF NEXT MEETING

The Chair confirmed the next meeting is scheduled for Thursday 4th December 2008.

The Chair enquired whether Mr Ward would consider hosting the next meeting and it was confirmed that West Lothian Council would liaise with the CJA on arrangements.

[8] Sex Offender Prevention Order